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4 SELECT COMMITTEE TO INVESTIGATE THE  
5 JANUARY 6TH ATTACK ON THE U.S. CAPITOL,  
6 U.S. HOUSE OF REPRESENTATIVES,  
7 WASHINGTON, D.C.

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11 INTERVIEW OF: DEREK LYONS

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15 Thursday, March 17, 2022

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17 Washington, D.C.

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20 The interview in the above matter was held via Webex, commencing at 10:02 a.m.

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2     Appearances:

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5     For the SELECT COMMITTEE TO INVESTIGATE

6     THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

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19     For DEREK LYONS:

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21     BARBARA VAN GELDER

22     SAMANTHA RUBIN

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Today is March 17, 2022, and this is a transcribed interview of Derek Lyons conducted by the House Select Committee to Investigate the January 6th Attack on the United States Capitol, pursuant to House Resolution 503.

So, Mr. Lyons, at this point I would ask that you just identify yourself and spell your last name for the record.

Mr. Lyons. Derek Lyons, L-y-o-n-s.



Thank you, Mr. Lyons. Thank you for being here. I appreciate it.

And, Counsel, if you could identify yourself for the record as well.

Ms. Van Gelder. Yes. This is Barbara Van Gelder of Cozen O'Connor, capital V-a-n, capital G-e-l-d-e-r.



And I understand -- oops, there's the other -- thank you.

Ms. Rubin. Samantha Rubin of Cozen O'Connor, R-u-b-i-n.



Thank you, Ms. Van Gelder and Ms. Rubin. Appreciate it.


This is going to be a staff-led interview. It's a voluntary interview, but if members of the select committee decide to join, which they certainly are allowed to do, they will join probably by video and turn on their video if they have any questions for you. At that point, I'll announce their presence so that you're aware, Mr. Lyons, and I'll also defer to them if they have any questions.

So my name -- just to introduce the folks on this side, my name is .

I'm a senior investigative counsel for the select committee. Also in the room today is



She is investigative counsel to the committee.

You'll see on the Webex platform that there are a number of other folks who we just introduced off the record, but they include select committee staff 



who is our chief clerk, , and then investigative counsel .

1 [REDACTED] and [REDACTED]

2 Also joining us is [REDACTED] He's joined us as well. He's chief investigative  
3 counsel for the committee.

4 And if any members do join, you will see them here. But like I said, I will try to  
5 announce their presence so you're aware.

6 There are two official reporters who are also here via Webex, one of whom will  
7 always be taking the record of the interview. So with that in mind, we just ask that you  
8 wait until each question is completed before you begin your response, and I, in turn, will  
9 wait for you to finish your response before we ask our next question. And I would just  
10 note that the reporter cannot take down nonverbal responses, like shaking your head, so  
11 it's important that you answer with any audible verbal response.

12 Mr. Lyons, we ask that you provide complete answers based on your best  
13 recollection, understanding that some of these events took place a while ago. And so, if  
14 you don't remember, that's perfectly fine. We ask that you say that. And if there's any  
15 question that I ask that's not clear to you, please feel free to ask for clarification. I  
16 would much rather you answer any question that you understand than try to answer one  
17 that you don't.

18 Like I mentioned before, this is a voluntary interview. You haven't been  
19 subpoenaed, and although this interview is not under oath, it is an official proceeding of  
20 Congress, and it is unlawful to deliberately provide false information to Congress.

21 So with all of those ground rules out of the way, do you understand them or have  
22 any questions about them?

23 Mr. Lyons. I understand, and I don't have any questions.

24 [REDACTED] Perfect.

25 Just logistically, too, we'll get started in just a moment, but if there's any point

1 where you want to take a break, comfort breaks or to consult with your attorneys, that's  
2 completely fine. Just let us know, and we can take however long you need.

3 Do you have any questions for us before we get started?

4 Mr. Lyons. No.

5 [REDACTED] All right. Very good.

6 EXAMINATION

7 BY [REDACTED]

8 Q So I understand, Mr. Lyons, you graduated from Duke University in 2004. Is  
9 that right?

10 A That's correct.

11 Q And then it looks like you became a legislative assistant for Representative  
12 Hensarling around 2004 and 2005?

13 A That's correct. I started as a legislative correspondent and moved up to  
14 legislative assistant.

15 Q Got it.

16 Then you -- it looks like you went to Harvard Law School, and you graduated in  
17 2008 before clerking for Judge Brett Kavanaugh on the D.C. Circuit. Is that right?

18 A That's correct.

19 Q Okay. We won't go through all the background you had, but eventually you  
20 made your way to the White House, and I understand you joined the administration on  
21 day one of the Trump administration. Is that right?

22 A That's correct.

23 Q Did you have a role before that on the campaign?

24 A No, not on the campaign. I was kind of -- I was, for a few days, at the  
25 transition office before starting the administration, but no work on the campaign, no

1 relationship with the campaign.

2 Q I see. Okay.

3 And when you started in the administration, you started, I believe, as deputy  
4 assistant to the President and deputy staff secretary. Is that right?

5 A That's correct.

6 Q And I believe you became assistant to the President and staff secretary in  
7 2018. Do you remember roughly when, month and year, you moved to assistant to the  
8 President and staff secretary?

9 A I was acting staff secretary from roughly February of 2018, and if memory  
10 serves, I believe I was officially promoted August timeframe, 2018.

11 Q All right. And you served in that capacity, I believe, till roughly May of 2020  
12 when you became -- or your title changed, at least, assistant to the President and  
13 counselor to the President. And I understand that you also retained staff secretary  
14 duties. Is that correct?

15 A Yes, I believe that timeframe is accurate and the description is accurate as  
16 well.

17 Q Okay. And then you served until -- or through, I should say, December 18,  
18 2020, when you left the administration. Is that correct?

19 A Yes. I believe December 18th was a Friday, so it would have been my last  
20 day of that week, that's correct.

21 Q Okay. So if you could just briefly tell us what your duties and  
22 responsibilities were as staff secretary, that would be helpful.

23 A Sure. You know, as staff secretary I managed a small staff of folks to  
24 coordinate paper flow through the White House, managed the White House  
25 correspondence office, the gift office, records office, executive clerk's office.

1           You know, kind of, my role was to keep paper flow moving both up to the  
2       President and out to the public and to, on occasion, to other staff members at the White  
3       House or to other agencies. You know, the documents that the President would sign, or  
4       would have sort of the official stamp of the White House publicly would go through my  
5       office.

6           Q     And so did that entail -- or did that involve all official documents or --

7           A     It --

8           Q     -- more or less I guess at any point? I'm sorry.

9           A     Sorry. More or less. You know, I guess it depends on the definition of  
10      official documents, but as a general rule, if something was published by the White House,  
11      it probably went through my office, or if it was signed by the President, it probably went  
12      through my office.

13          Q     What about campaign documents, things that the President would release as  
14      a part of the re-election campaign, would those go through you as well?

15          A     Occasionally, but rarely. So rally speeches would come through our office.  
16      You know, talking points for fundraisers would come through, but ads or statements,  
17      press statements, press releases, that sort of stuff would not, as a general matter.

18          Q     Why would talking points -- why would certain things related to the  
19      campaign come through and not others, if you know?

20          A     I guess my impression when I was there was that when the President would  
21      be speaking -- so a couple of reasons. One would be when the President is speaking at  
22      podium, he's still speaking with the seal of the President of the United States in front of  
23      him, even if it's at a campaign event. So those materials would come through so that  
24      they could be coordinated, at least at a high level, with other political appointees and  
25      fact-checked, and talking points, sort of the same thing.

1           There was also a staff secretary, myself or somebody from my office, would be  
2           with the President on his travel, whether it was official travel or unofficial travel. And  
3           we had access to the printers that were available, to computers available to make edits  
4           that he would ask for. And so, there was an administrative convenience aspect to it, I  
5           think, whereas, you know, sort of campaign, like, polling, or, you know, stuff that was  
6           really entirely divorced from the official side, or both from a -- sort of the President has  
7           this dual capacity as candidate and President standpoint, or from the fact that, you know,  
8           it was the type of thing that people from the campaign could take directly to him because  
9           of, like I said, logistics or administrative realities, that stuff would not come through my  
10          office.

11          Q     You mentioned travel with the President, somebody from your office. A  
12          couple of questions there. How big was your office on average while you were there?  
13          And particularly, actually, I would focus on the November 2020 through January -- or, I  
14          guess, December 2020 timeframe.

15          A     Sure. So November through December 2020, there were six people, I  
16          believe, including myself, in the office. I had myself, three associate staff secretaries,  
17          and an EA. Am I missing one? I think I'm missing one.

18          Q     EA meaning executive assistant?

19          A     Correct.

20          Q     And were you --

21          A     I apologize. Four associate staff secretaries and one EA and myself.

22          Q     Did you travel with the President during that period?

23          A     I did.

24          Q     Did anybody else travel with the President from your office during that  
25          period that you recall? From your office, to be clear.



1           A    Again, sorry. Can you clarify the time period again?

2           Q    Yeah, sure. November through December, through the time you were  
3 there essentially.

4           A    Um, I couldn't say for certain. Most -- so sort of November 1 through  
5 December 18, if that's the time period, I certainly would have traveled with him on  
6 several pre-Election day trips -- or several -- at least one, probably more than one. And  
7 then after, I can't remember exactly how much he traveled between November 3rd and  
8 December 18th. I do recall there was a trip to Georgia on or about December 4th or 5th  
9 that I went on.

10               During that time period, if there were other trips, either I or somebody from my  
11 office would have gone. And there was Thanksgiving in there. I did not travel with him  
12 for Thanksgiving, but I know somebody from my office did.

13           Q    Okay. In that position that you held, did you have any responsibilities  
14 related to policymaking or offering your advice on policy?

15           A    You know, I didn't have, like, a job description that was written down, so it's  
16 tough to say exactly what my -- if it was a responsibility or not. But in the course of  
17 performing the duties of coordinating the paper flow and working on remarks, it's  
18 inevitable that policy issues come up and people in the proximity tend to opine on them  
19 or be asked their opinion of various things.

20           Q    Okay. But you didn't have a specific policy area, like immigration or  
21 economy or trade, something like that?

22           A    Correct. I did not have a policy portfolio for which I was directly  
23 responsible.

24           Q    Okay. That's a much better way of putting it, portfolio. Understood.  
25 Thank you.

1           How about, aside from your job and the duties it involved looking at speeches or  
2       remarks, did you have any communications portfolio, or a legal portfolio specific to your  
3       job?

4           A     Also, no.   But communications, press releases and fact sheets and the like,  
5       would flow through my office, and documents with legal implications as well, but I was  
6       not responsible for those portfolios.

7           Q     If somebody had to weigh in, from a communications or a policy portfolio, or  
8       a legal perspective, would you farm out those documents to, for example, White House  
9       Counsel's Office for a legal determination?

10          A     Yeah, that's a fair characterization.

11          Q     Okay.   And in your role as staff secretary, did you have any ability to control  
12       who had access to the President, as apart from the documents themselves that the  
13       President would see or have to see?

14          A     No.

15          Q     Okay.   So no role in scheduling meetings, for example?

16          A     No official role in scheduling meetings.   If there was a document or  
17       something that flunked in my office that seemed to implicate the need for a meeting in  
18       the sense that resolution didn't appear possible through working on the paper or through  
19       staff meetings, I might, from time to time, recommend to the person in charge of that  
20       particular policy issue or to chief of staff or -- well, mainly those types of people -- that a  
21       meeting be scheduled, and sometimes it might be scheduled.   Sometimes the issue may  
22       be resolved through intervention of chief of staff or White House counsel, or through  
23       different policy people with responsibility for those policy portfolios getting together and  
24       reaching some sort of accommodation or phone calls that would take place  
25       without -- between perhaps the President or the people I mentioned outside of my

1 purview. But I would not be responsible for scheduling meetings.

2 Q Okay. So what -- and it's just helpful to understand. Was it a goal that by  
3 the time you sent something, or the staff secretary's office sent something to the  
4 President that there was consensus within the White House and all of those differences  
5 among the various entities, whether the White House Counsel's Office, the people in the  
6 policy shops, had already been resolved?

7 A Yes. You know, the goal was that if I took a document, for example, or a  
8 statement to the President, that I could represent to him consensus among the relevant  
9 stakeholders, so to speak. There were times when I couldn't represent that, but the  
10 disagreement was such that I could carry it forward on my own to him and say: Here's  
11 this document. It does these things. There's some disagreement among these two  
12 people about it. This is the nature of the disagreement. You know, the  
13 recommendation would -- sort of the -- you know, there's usual one policy role that's sort  
14 of in the driver's seat and others who have sort of equities that are not necessarily at the  
15 forefront.

16 So you could say: This is the recommendation of the person in charge of this  
17 portfolio, but there are these dissenting views, and do you want to move forward, do you  
18 want to not move forward, do you want to have a meeting about it. And so occasionally  
19 that would happen. But for the most part, the idea was disagreements would be  
20 resolved to the satisfaction of the relevant stakeholders prior to presentation to the  
21 President.

22 Q What about the chief of staff, Chief of Staff Meadows, would he -- was there  
23 a process to make sure that he saw all of the documents that you gave to the President?

24 A So he would have been included on a distribution list. You know, whether  
25 or not he saw all of them or paid attention to everything that came through -- there was

1 quite a high volume -- I couldn't say. But you get a feel for things as you do the job, and  
2 you tend to raise issues to him as they hit your radar as issues that need to be elevated  
3 for additional consideration.

4 So I wouldn't -- I couldn't say that -- I mean, so the answer would be there was a  
5 system in place to flow documents through the Chief of Staff's office. What the Chief of  
6 Staff's office did with those documents I couldn't speak to.

7 Q Sure. Fair enough.

8 And when you say there was a distribution list, is that an email distribution list, or  
9 are there similar distribution lists if the document was only in paper, maybe it was a, I  
10 don't know, a national security document, for example?

11 A Sure. I guess if I said distribution list, I should clarify. It wasn't, sort of,  
12 hard distribution list. It's you would get a document. You would think about the  
13 people that should see the document before it went to the President. Usually they had  
14 already seen it during the sort of policymaking process, so it was just a matter of checking  
15 to make sure that somebody wasn't trying to make an end run around the system.

16 So, I mean, for each item, you would think about who needs to see this, who  
17 might have not seen it, who needs to see it, send it to them, most often on email.

18 For national security documents, of course, there was classified computer  
19 systems. I don't recall that we used those very much for distribution. It would be  
20 more along the lines of paper would be distributed both -- and sometimes there was a  
21 duplicative process. The National Security Council would have a process. Then it  
22 would come to me. By the time that stuff really got to me, it had been fairly well  
23 coordinated, so it would just almost be a matter of sort of checking in with the chief of  
24 staff to make sure that he was aware of what was going in. So sometimes I would do  
25 that -- I would mostly do that in person, just sort of walk the folder upstairs and talk to

1 him about it and then get his okay to move forward.

2 There wasn't a ton of coordination to be done on national -- on sort of classified  
3 packages. And then on other documents that are sort of national-security related, a lot  
4 of them aren't classified. They could be handled on the regular system.

5 Q Okay. So what about, like, draft executive orders? Is that something that  
6 you would -- if it came through your -- well, first of all, would draft executive orders go  
7 through your office typically?

8 A Yes.

9 Q And is that something that you would share with the Chief of Staff's office  
10 typically?

11 A Yes.

12 Q Can you remember a time where you did not share -- or draft an executive  
13 order with the Chief of Staff's office?

14 A Not that I can recall. You know, there's a lot of executive orders,  
15 presidential memorandums, and the like, but if I was taking it -- if I was taking an official  
16 document like that to be signed, I would at least have notified them that such a  
17 document was ready, the consensus had been reached or not reached as we discussed  
18 before, and sort of get that okay to move it forward.

19 I couldn't say on the record that it happened 100 percent of the time over the  
20 course of my time at the White House, but that would have been the overwhelming  
21 majority of the time, if not all the time.

22 Q Sure. No, understood. I appreciate that.

23 And what about documents from external advisors? So we talked a little bit  
24 about the campaign generally, as well as the official flow of documents from within the  
25 administration. But what about personal correspondence that needed to get to the

1 President from friends or associates, would those go through your office typically, or does  
2 that go through something else?

3 A Yeah, typically not my office. I couldn't say that no such documents came  
4 to me. I don't have -- sitting here, you know -- usually personal stuff like that would flow  
5 through the outer Oval Office, so if it was like a letter, like so and so wants to wish you  
6 happy birthday, or such and such wants to tell you a story about whatever, you know, a  
7 lot of those people had direct access to outer Oval, whether through phone or email.

8 And so it wouldn't come through me. My office was, like I said, largely it's aimed  
9 towards coordinating the official documents. You know, the line again is difficult to  
10 draw. You know, the President -- I would take birthday notes for him to sign, wishing  
11 people happy birthdays, congratulating them on births, et cetera, you know that type of  
12 stuff.

13 Q Okay. As far --

14 A But by and large, we did the official materials and then, you know, the  
15 campaign speeches and sort of unofficial talking points as I mentioned before.

16 Q As far as there was more personal correspondence that was coming in, you  
17 mentioned outer Oval. Would that be Ms. Molly Michael, Mr. Nick Luna? Those are  
18 the folks who would handle that typically?

19 A Various people worked in that office work over 4 years, but in the timeframe  
20 you mentioned before, those would be the two people.

21 Q Okay. And do you know Austin Ferrer?

22 A I do, yes.

23 Q Did he work in the outer Oval as well?

24 A For a period of time, yes.

25 Q Okay. What about that period, the November through December?

1           A    I believe he would have been there, yes.

2           Q    Okay. Now, you mentioned that you would walk stuff upstairs if you  
3 needed to go see the Chief of Staff. You were on a different floor than the Chief of Staff  
4 in the Oval Office? Is that right?

5           A    That's correct.

6           Q    And you mentioned earlier that, given that the President is the President  
7 24/7, 365, that your office would have some responsibilities with respect to, I guess,  
8 understanding or at least looking at his remarks, or draft talking points.

9                So what was your relationship like and your office's relationship like with the  
10 speech-writing team?

11          A    We worked closely with the speech-writing team. You know, they would  
12 prepare remarks and send them to us for distribution. We would send them for  
13 distribution --

14          Q    Did --

15          A    -- collate the responses that came in, compile the responses that came in,  
16 review them ourselves for any issues we might see from political or legal or policy  
17 standpoints. You know, we wouldn't pass on every comment. We exercised  
18 judgement in passing back the comments back to the speech-writing team, where they  
19 would sort of refine the speech or the remarks. And then they would typically send it  
20 back to us for delivery to the President.

21          Q    And that speech-writing team, who was on the team primarily that you  
22 worked with?

23          A    Stephen Miller, Ross Worthington, Vince Haley, Robert Gabriel. There  
24 were a few others. There was a woman who's more junior. I can't quite -- Brittney  
25 Baldwin. There were some other folks in there as well, Tony Dolan, at least one or two

1 others that I can't recall at the present time.

2 Q Okay. And the last one you mentioned before you couldn't recall, was that  
3 Tony Dolan, D-o-l-a-n?

4 A That's right.

5 Q Did they have their own fact-checking apparatus with them, the speech  
6 writing team, or is that a responsibility they took on in addition to the fact-checking that  
7 you and your office would do?

8 A Yeah. I would say they had somebody -- I can't remember his name at this  
9 time -- that you know we would ask them to sometimes send us sort of annotated  
10 versions, because they would be the people sort of most likely to know where they had  
11 pulled particular claims from. So I would say that's fair, a fair characterization.

12 Q And was it -- I don't know if this is a fair question or not, but I'm going to ask  
13 it.

14 Who had the primary responsibility of fact-checking, like, a President's speech?  
15 Did that ultimate -- did that buck end with you guys or in the staff secretary's office, or  
16 was that in the speech writers' office?

17 A You know, I couldn't really say. I took it on as a responsibility and would do  
18 my best to flag and run down factual problems with speeches, so today -- nobody ever  
19 came to us if we said, you know, there was a factual problem and said, you know, there  
20 was some breakdown that I can recall.

21 So where did the buck stop? You know, I don't -- I couldn't really say, but we  
22 took it on as a responsibility. I think they took it on as a responsibility as well.

23 Q Okay. So on that, did your office in the post-election period -- so we're  
24 talking about after November 3rd. Did your office have a role in fact-checking claims of  
25 election fraud that ultimately went into the President's speeches or talking points?



1           A     Sorry. Could you repeat the time period?

2           Q     Of course, yeah. Post-election, so November 3rd through your time in  
3 mid-December.

4           A     Yeah. I mean, we would have seen those remarks. We would have asked  
5 where -- if the claims of fraud were included in the remarks, we would have asked for the  
6 source. But it wasn't a process where if something -- if we said that we didn't like the  
7 source or the source was insufficient or anything like that that it was going to come out of  
8 the remarks. So we didn't have any sort of veto power over that.

9           Q     Okay. So who would you communicate that maybe the sourcing on this  
10 fact is not sufficient or you thought that this statement in the speech or talking point  
11 might be wrong? How did you communicate that? Who did you communicate that  
12 to?

13          A     You know, if we did, we would have communicated it to the speech-writing  
14 team. Ultimately, I think they all had a very close relationship -- well, not all, but the  
15 office had a close relationship with the President. You know, if they wanted to include  
16 something in their remarks, they did --

17          Q     Okay.

18          A     -- for the most part.

19          Q     And are you aware of any instances where the President was informed that  
20 some of the claims he made about election fraud in the post-election period were not  
21 true?

22          A     Claims made in speeches or claims in tweets? What's the --

23          Q     Any of the above. Yeah, tweets and speeches, we can start there.

24          A     I don't recall any specific instance where the claim that he made publicly he  
25 was told was not true. There were -- there was a lot of discussion, some of which I

1 heard about only secondhand. But there were a lot of allegations after the election  
2 about what had happened with ballots, what had happened with mail-in ballots, what  
3 had happened with people being denied the opportunity to vote, people voting more  
4 than they should, people moved voting, et cetera, ballots -- you know, unsecured ballots,  
5 the laundry list of claims that have been made since the election.

6 You know, there was discussion about which ones of those could be  
7 substantiated, which ones had been -- some had been run down. You know, people  
8 who had made the claims sometimes turned out to be unreliable witnesses. Sometimes  
9 there was other explanations.

10 So, I mean, there were discussions, I believe, about some of those claims, but I  
11 couldn't tell you today this claim was -- you know, people said was unverified or this claim  
12 had been disproven or any -- I couldn't sort of run down the laundry list with you and tell  
13 you which ones there were discussions about and which ones there weren't.

14 Q Sure.

15 A There were discussions about the potential veracity of a variety of claims.

16 Q Okay. And I totally understand. That makes sense. I do want to ask  
17 about a couple, though, and we won't go through all of them.

18 So I understand that a longer report, roughly 30 pages or so, came out about  
19 Dominion voting machines and the President reportedly was quite interested in this  
20 report and that some people in the White House actually pushed back on some of the  
21 findings that were in this report.

22 Does this episode and references to that Dominion voting machine report, does  
23 that ring any bells to you as to what you saw in the White House and the President's  
24 thinking about at least Dominion voting machines?

25 A I recall a report like the one you have described. I don't know when or who

1 discussed it with him and what he was told about it. I don't have any recollection of  
2 being in any meeting where it was discussed or discussing it.

3 Q Do you remember hearing that -- do you remember hearing that any of the  
4 White House staff questioned the truthfulness of the claims that were in that report and  
5 did so with or in front of the President?

6 A I don't have any direct -- like I said, I don't have any direct knowledge of that  
7 happening. I believe that it may have, but I don't have -- I couldn't testify to it having  
8 happened.

9 Q Okay. So -- and that's okay. This is not court, so hearsay is fine.  
10 What do you remember hearing about that?

11 A So nothing -- I mean, I can't give you any specific recollection about it, but I  
12 remember hearing there was a report -- actually, it might help, I might be able to be more  
13 helpful if you could describe the report a little bit, the main claims in the report --

14 Q Yep, sure.

15 A -- to refresh my recollection.

16 Q Yeah. There were a few claims circulating about the Dominion voting  
17 machines. One is that they were programmed to switch votes or had been hacked to  
18 switch votes. Other claims related to the software that the machines purportedly used  
19 and having ties -- or developers had ties to foreign countries, including China, Iran, I  
20 believe, Venezuela. There was a whole host of them. And there was a specific claim  
21 that Dominion voting machines were involved in a vote switching in Antrim County,  
22 Michigan, that set off a lot of the discussion about Dominion voting.

23 So I don't know if that helps, but I'll represent to you those are some of the issues  
24 surrounding Dominion.

25 A Yes. So there -- is it Antrim --

1 Q Antrim County, yes.

2 A Antrim County, yeah. Yeah, I do recall hearing that there was discussion  
3 about the validity of the claims around that county, and I do think that people thought  
4 that the report didn't substantiate those claims as strongly as perhaps the author and the  
5 proponent of that report thought they did. And I believe there was discussion about  
6 that; but, again, I don't have any specific recollection of discussion with the President  
7 about it. I don't believe I was in any meetings with him about it --

8 Q Do you remember --

9 A -- with the possible exception that it could have come up in the  
10 December 18th meeting. But, again, that's -- at this point in my memory, it's  
11 speculation. I mean, it's the type of thing that might have come up.

12 Q Okay. And we'll get to that meeting.

13 Do you remember hearing who had those concerns about some of these reports  
14 related to Dominion, or allegations related to Dominion?

15 A I can only speculate based on sort of who fell on which sides of the general  
16 divide about skepticism towards various claims versus less skepticism towards various  
17 claims. But I couldn't testify that specific people had concerns about that particular  
18 report with full accuracy of memory.

19 Q Okay. Could you tell us generally -- of course, we won't hold you to any  
20 specific claims, but generally, what were those two sides that you mentioned about who  
21 fell on one side of voter fraud type claims, and who was on the other?

22 A Sure. So Eric Herschmann and I think Pat Cipollone would have been  
23 thinking about the claims and talking about these issues to see if there was any validity to  
24 run them down, and probably fell on the more skeptical side of them. You know, they  
25 ran down leads, looked into things.

1           On the other side, outside advisors mostly, you know, Sidney Powell. I'm just  
2           speculating here because I don't know, but outside advisors.

3           Q    Okay. So would that include Rudy Giuliani and some of his associates?  
4           Would you put him in that camp?

5           A    Yes.

6           Q    Did you say that you would?

7           A    I don't know what his views specifically were with respect to the report you  
8           referenced.

9           Q    Okay. Fair enough.

10          With respect to Mr. Herschmann and Mr. Cipollone, you said that they sometimes  
11          ran down leads that may have crossed their desk, or had been presented with. Are you  
12          aware of any instance where Mr. Herschmann or Mr. Cipollone was able to validate any  
13          of the claims of fraud in the election that were brought to their attention?

14          A    I'm not. I guess it would -- you know, depends on what you mean by  
15          validate. But proof beyond any reasonable doubt, I'm not. You know, validate, I  
16          guess --

17          Q    Yeah, sure. No, that's a fair question -- or fair point I should say.

18          So I guess get beyond the point of just being a mere allegation. Any evidence to  
19          suggest that they were true that they had developed in the course of their  
20          responsibilities?

21          A    What I would say I think is nobody, to my knowledge, was able to run down  
22          any allegations to the point where they proceeded beyond the allegation phase. I'm not  
23          sure every single allegation was debunked or proven to be false, but I'm not aware of any  
24          that was moved forward to a point where it changed the outcome of the election.

25          Q    Okay. And do you know if that was ever communicated to the President,

1 that the White House staff, including Mr. Herschmann or Mr. Cipollone or others, were  
2 not seeing evidence of widespread fraud, like Mr. Barr said in December, that would  
3 actually change the outcome of the election?

4 A So, I guess the best knowledge I have that would be responsive to your  
5 question would relate to the December 18th meeting, which was a month-and-a-half or  
6 so after the Election Day, and at that meeting various allegations of fraud were discussed.  
7 And, you know, Eric and Pat didn't -- told the group, the President included, that none of  
8 those allegations had been substantiated to the point where they could be the basis for  
9 any litigation challenge to the election.

10 [REDACTED] Okay. And we will get to that as well, but that's helpful. Thank  
11 you.

12 All right. So I'll stop there and see if anybody has any questions on what we just  
13 covered. I see, [REDACTED] you turned on your camera.

14 [REDACTED] Yes, I just had a couple of follow-up, [REDACTED].

15 BY [REDACTED]:

16 Q Mr. Lyons, I'm [REDACTED]. I'm the chief investigative counsel. Thank  
17 you very much for being here.

18 On the last couple of questions that [REDACTED] was asking you, was the  
19 December 18th meeting the only time in which you were present when Mr. Cipollone or  
20 Mr. Herschmann weighed in on these election fraud claims, or were there other  
21 discussions separate from that meeting with you directly?

22 A So that is the one that is mostly in my memory during -- from my time there.  
23 It's possible that prior to December 18th there were other meetings where similar ideas  
24 were expressed. I -- sitting here right now I couldn't tell you when those meetings were,  
25 because the -- just the nature of the flow of day-to-day life there, it wasn't as if meetings

1       were scheduled or topics scheduled on this, but I would be in the Oval, or in a setting with  
2       the President, performing other functions, perhaps, or even with respect to, say, the  
3       speech in Georgia on the 5th where these types of issues may have been discussed, but I  
4       don't have any specific recollection of those discussions or what the content of those  
5       discussions was.

6               Q     Okay. I appreciate that.

7               And I'm not looking for sort of officially scheduled meetings to discuss this. I'm  
8       just -- do you recall other instances -- let's separate Cipollone and  
9       Herschmann -- describing this perspective from conversations with the President? Were  
10      there other times when you talked to Pat or to Eric about this issue of these  
11      ongoing -- the evaluation of these ongoing claims of election fraud informally around the  
12      White House?

13              A     Sure, with them and with others. You know, I would see claims circulated  
14      on Twitter or in the press that raised questions perhaps to my mind, and I might discuss  
15      them with Eric. You know, Hey, have you seen this? Is there anything to it? Have  
16      you looked into it? Has anybody looked into it? Do you know if the campaign has  
17      looked into it, that type of thing?

18              That happened, you know, probably through the course of November into  
19      probably early December and with Eric, less with Pat. I don't recall any specific  
20      instances of having similar conversations with Pat. But with Eric with -- you know, with  
21      some folks from the campaign --

22              Q     Yeah.

23              A     -- some other folks around the White House, you know, does anybody know  
24      about any of this, you know.

25              Q     Yeah.

1           A    You know, because I'm not researching all of these claims myself to get  
2   down to rock-bottom truth.   Sometimes it's very complicated to do that, not  
3   even -- sometimes not even possible so, you know, crowd-sourcing, that type of  
4   information.

5           Q    Yeah, of course, I get it.   I know it wasn't your responsibility.   But it sounds  
6   like this would be a pretty frequent topic of discussion, right, between the election and  
7   your departure?   Hey, there's this claim in Michigan.   There's this claim in Georgia.  
8   And that would be a frequent subject of internal discussion.

9           During any of those, did you ever hear from Mr. Herschmann or Mr. Cipollone,  
10   Hey, this one is valid or this one is real or -- I'm just trying to get a sense of sort of the  
11   trajectory of that.

12          A    Sorry for talking over you.

13          Q    No, no.

14          A    You know, from time to time there would be things that seemed to have  
15   more indicia of probability than others.   But at the end of the day, I can't recall any that  
16   didn't sort of hit the level of, Well, okay, maybe this happened, but even if it happened --

17          Q    Yeah.

18          A    -- it's not a lot or, you know, sure, but this type of thing happens  
19   occasionally, or maybe there are innocent explanations, or it's just not the type of thing  
20   that can build into the right type of case.

21                So, sure, over the course of the days following the election, various allegations  
22   had various levels of indicia of reliability.   But by the time I had left, none had seemed to  
23   pan out to a level that made any progress.

24          Q    Yeah, I understand.   You're anticipating my next question.

25                Indicia of some irregularity of fraud happens in every election, but it sounds like at



1 no point did you hear of anyone saying, Hey, that is of such magnitude that it would  
2 change the outcome in a particular State or the overall outcome? Is that accurate?

3 A I wouldn't say never heard anybody say that.

4 Q Yeah. I mean, I'm talking specifically about Herschmann and Cipollone.

5 A I think that's a fair characterization.

6 Q Okay.

7 A I never heard them say anything like that.

8 Q All right. Other than the December 18th meeting now, going to times  
9 when you were present when these issues were discussed with the President, were there  
10 other similarly informal -- not a meeting to talk about this, but times in which these  
11 allegations would come up in conversations that you were present with the President?

12 A I apologize. Would you mind repeating your question?

13 Q Yeah, of course.

14 Dan is going to get into the December 18th meeting in some detail, but prior to  
15 that, were there other times when informally various allegations would come up with the  
16 President and wondering whether you have any description of the frequency of such  
17 conversations and what was discussed, anything that you can recall?

18 A Sure. I recall, I guess, two instances. One, I don't know when it was -- it  
19 would have been before December 18th and after November 3rd -- where the President  
20 recorded a video, so this would have been probably shortly after the election -- I couldn't  
21 tell you how many days after. It could have been a week. It could have been 2 weeks.  
22 It could have been 3 days. I don't recall at this time -- you know, talking about the  
23 election and talking -- I think in that he made claims -- there was a compilation of various  
24 claims that had been made in various places, whether in news outlets or Twitter. So  
25 that video, there might have been some discussion about, Well, okay, these -- maybe they

1 have sufficient indicia to talk about. These, no, I can't -- I don't recall if any were struck,  
2 to be honest with you. But that strikes me as a time when discussions of the type you  
3 are referencing might have taken place.

4 Q Okay. Before you leave that one, who else was present for that one, the  
5 discussion about the recording that he made, besides you?

6 A The only specific recollection I have about that event was being in the room  
7 where the recording was made. I was there; the President was there; I think Vince  
8 Haley was there. I don't -- I'm sure other people were there, but I don't recall who.

9 Q Okay. Had Mr. Haley drafted whatever the President was to present on the  
10 video? Is that why he was there?

11 A He was most likely involved in the drafting, but I don't know that he  
12 specifically was the drafter, but --

13 Q Okay.

14 A -- very likely.

15 Q Yeah.

16 A Um, the other instance would have been --

17 Q Again, before that -- don't leave that one yet. Was Cipollone or  
18 Herschmann or anyone else there sort of -- or anyone pushing back, or saying, Hey, that  
19 claim is wrong or we shouldn't include that claim, anyone saying that?

20 A Yeah. I don't remember that. I do remember that I, after we recorded  
21 the video, advocated internally I think to Dan Scavino and Eric Herschmann that the video  
22 not be released.

23 Q Tell us more about that, Mr. Lyons. Why did you take that position?

24 A Um, well, for one, I never liked when he did the videos because I always felt  
25 they got edited up choppily and didn't present the President in the best light. But I also

1        felt like it had been -- I guess I felt it had been hastily drawn together, and that, perhaps,  
2        we might want to think about a different strategy as we talked about the election.

3            Q     Okay.    And was your concern there about the way that the video had been  
4        edited or put together or the underlying substance of the representations that the  
5        President made in the video?

6            A     I think both.

7            Q     Okay.    And did you have general concerns about how these election fraud  
8        claims were being used, were being messaged by the President and others, as part of a  
9        pattern of concern?

10          A     Yeah.    I think I felt like at the time the claims had been sort of  
11        undersourced and underdeveloped.

12          Q     I see.    And did anyone else share your perspective in that internal  
13        discussion?

14          A     I think Eric Herschmann did, and the two people I remember talking to about  
15        it were Dan Scavino and Eric Herschmann.

16          Q     Okay.

17          A     You know, Dan didn't reveal his feelings necessarily that I recall about it to  
18        me.    I think his view probably would have been if you have these concerns, you should  
19        tell the President yourself.

20          Q     Okay.    Yeah.    Tell me more about Mr. Scavino's position, to the extent he  
21        ever expressed it, on the veracity of these election fraud claims in the internal  
22        discussions.

23          A     He never really expressed a firm opinion to me.    You know, I believe Dan's  
24        view was -- I mean, [REDACTED] -- my belief is that he felt that the -- he felt that there was a lot of  
25        people that would turn their back on the President and that, you know, that was the

1 wrong thing to do at this time. I'm not sure that correlates exactly with the views about  
2 the legitimacy of the election.

3 Q Yeah.

4 A But it was a difficult time. We had all been through a lot together over  
5 4 years, and I think loyalty is important to him.

6 Q Yeah. And would he or the President perceive an honest objection to an  
7 election fraud claim as somehow disloyal or turning your back on the President?

8 A I don't think Dan would. I don't know about the President, but I can -- I'll  
9 tell you that I did not raise my concerns about the video directly with the President,  
10 because I --

11 Q Yeah. Why not?

12 A Because I felt that coming from me it wouldn't receive a favorable audience  
13 at that time.

14 Q Why not?

15 A Um --

16 Q He worked with you. He trusted you. You're the gatekeeper of  
17 information that goes to him. Wouldn't it have been influential if you, Mr. Lyons, had  
18 said, Hey, wait a minute. We've got to be careful about the claims in this video?

19 A It might have, but he -- yeah. In this -- based on our -- based on my  
20 dealings with him over 4 years, and the relationship that we had, he would not have been  
21 surprised to hear my views, and I believe that he would have discounted them, and so, I  
22 felt that -- I didn't feel like it would be a productive conversation for me to have directly  
23 with him. I felt like there were other messengers that would be more effective.

24 Q I see.

25 Did you ever hear him directly express frustration, disagreement with people that

1 brought similar messages to the one that you chose not to give him directly? In other  
2 words, you're not fighting hard enough or you're disloyal or you're turning your back,  
3 anything along those lines? Had he reacted negatively to such advice from others?

4 A At that time, I couldn't say, but, of course, at the December 18th meeting, he  
5 did.

6 Q Yeah, okay. We're going to get to that.

7 You were about to tell us, though, about a second conversation you recall about  
8 this issue with the President, other than the one about the video. Can you tell us about  
9 that?

10 A Yeah. So if I could maybe recharacterize what you said because I don't  
11 have --

12 Q Please.

13 A -- a recollection of a specific conversation with him, but an instance --

14 Q Go ahead. I want to make sure I'm not mischaracterizing what you said.

15 A So as I mentioned, on or about -- again, you guys can tell me the date if you  
16 like, but December 4th, December 5th, somewhere in that timeframe, before the run -- I  
17 guess that's the runoff in the special election in Georgia, you know, I recall in that speech  
18 there were claims about election fraud, and so -- and I would have been on the plane  
19 going down to that speech, and so, there may have been some discussion there about  
20 what claims are in, what claims are out, that type of stuff.

21 Q Okay.

22 A But I don't have a specific recollection.

23 Q So we're talking in January of 2021, the actual runoff election in Georgia?

24 A No. I guess -- you know, there -- so the runoff -- again, you'll have to tell  
25 me on the timeframe here. But, you know, I guess there's the election in Georgia in

1 November. It spits out candidates for the special election.

2 Q Right.

3 A And maybe that wasn't the same and maybe -- I don't know how many  
4 elections there were, so forgive me. But in early December --

5 Q Okay.

6 A -- we did a rally that was tied to that election --

7 Q Got it.

8 A -- whatever it's called, for the Senate, the two Senate seats in Georgia.

9 Q All right. Who was on the plane and what do you remember about that  
10 discussion?

11 A To be honest with you, again, I don't -- I don't have any specific recollection  
12 of -- I know that I was there. I went to Georgia. I remember that. I remember that  
13 the speech talked a lot -- some about election fraud. I don't remember who flew on  
14 that trip. I'm sorry.

15 Q Okay. But you remember there being some discussion about claims in his  
16 speech about election fraud in particular?

1

2 [11:01 a.m.]

3 Mr. Lyons. I don't have a specific recollection of, like I said at the start of this, I  
4 don't have a specific recollection of a conversation. But given the content of the speech,  
5 it is my belief that a conversation would've happened.

6

BY

7 Q Got it. Okay. All right. Any other conversations in which you're present  
8 or you're aware of, whether you're participating in or just there for on this issue with the  
9 President himself?

10 A I don't -- I don't -- you know, sorry. Can you -- whether I was there or not,  
11 is that --

12 Q Either whether you're participating in it or you're just there as others are  
13 discussing.

14 A So in the weeks sort of following the election, I wasn't in on a lot of  
15 conversations, but I believe there were a lot of conversations about the election. Since I  
16 wasn't there, I couldn't tell you what was discussed. But these were not the only two  
17 times the election was discussed.

18 Q Yeah. No, I understand. Okay. And did you ever, Mr. Lyons, convey to  
19 him directly any of your perspective on any of these claims or the general issue of  
20 whether this was a good strategy to keep talking about the election or not?

21 A I don't have any recollection of doing that.

22 [REDACTED] Okay. Okay. Now, I know we're going to get into the big  
23 meeting on December 18th. So, [REDACTED] I'll turn it back to you. Thank you.

24

BY

25 Q Great. Thank you.

1 And I'm going to ask [REDACTED], who's on, to pull up exhibit No. 14. And  
2 we're talking about the video that the President released from the White House.

3 This is a video that the President released, I believe, on December the 2nd. It  
4 was about 45 minutes long. And the President was standing in front of a fireplace  
5 somewhere.

6 Does this look like the video or screenshot from the video that you were talking  
7 about, Mr. Lyons?

8 A It could be, although -- I think there's a fireplace in the room where I  
9 remember him doing the speech, so it could be. Probably is.

10 Q Just for context, I'll represent to you that we understand that the draft  
11 remarks for this video were actually drafted in mid-November by Mr. Worthington and  
12 others in the speechwriting team, and then this video was released in December. I don't  
13 know if that helps or not.

14 A Yeah. That would align -- if this is the video, that would align with my  
15 memory. The remarks were drafted, the video was cut, or recorded.

16 And then it didn't go out for some time, which I remember thinking, it didn't go  
17 out, maybe some -- maybe -- I don't know who, like I mentioned before, I had mentioned  
18 to people that I thought maybe the video shouldn't go out. When it didn't go out, I  
19 thought maybe those efforts had been successful.

20 I don't remember when it went out. I do remember that I was driving back to  
21 the White House, I think, from a personal appointment and I saw it pop on my phone and  
22 I remember being surprised by that.

23 Q Okay. And the video you're thinking of, was it roughly that long,  
24 45 minutes, to the best that you can recall, the video that you were talking with [REDACTED]  
25 [REDACTED] about?



1           A    It was a long video. I don't recall. Yeah.

2           Q    Okay. All right.

3           Thank you, [REDACTED] You can take that exhibit down.

4           All right. So very briefly, I'd like to cover election day. I understand you were at  
5 the White House in the evening of election day, November 3rd, 2020. Is that right?

6           A    That's correct.

7           Q    And at some point, I believe you were called up to the residence for  
8 something related to the remarks that the President would give early in the morning on  
9 November 4th. Is that accurate?

10          A    That is accurate.

11          Q    Okay. Can you just describe that, why you were called up, what you did  
12 when you went to the residence, and the purpose of it?

13          A    Sure. So I don't have any specific recollection of the call, you know. It  
14 had been a long series of days up to that point and a lot going on. But as you  
15 mentioned, at some point I received a call, maybe a text, on my -- it would have been on  
16 my official phone if it was a text. But I received some form of communication that the  
17 President was preparing to deliver remarks and that I was needed to facilitate that.

18                You know, as the President delivers remarks, there's quite a lot that sort of goes  
19 into it behind the scenes. There's the drafting itself, there's revisions, there's inputting  
20 it into the teleprompter, there's formatting the teleprompter, there's making revisions at  
21 the teleprompter.

22                There's just a series of, like, mundane, also mundane details that I can't recall  
23 now, but sort of over the course of several years it just sort of become second nature to  
24 me and also to my staff.

25                So it wasn't surprising or out of the ordinary that as the President prepared to

1 deliver some set of remarks that I would be called upon by somebody. Probably not  
2 him, to be honest with you, but probably somebody on the speechwriting team.

3 So I went to the residence -- or I was already probably in the residence on the  
4 State Floor where there was a party. I went upstairs. And -- sorry. Could you tell me  
5 what you want from there?

6 Q Sure. Of course. How were you asked to facilitate? What was your  
7 responsibility, I guess, when you went up to the residence to help with that?

8 A It would've just been in all manner of things, sort of utility player. Make  
9 sure, do we have a line of communication with the teleprompter, do we have a printer?  
10 I don't recall in that specific instance, like, drafting anything or, like, having any  
11 input into the text or anything like that. But at one point I was just there, right, as  
12 somebody who would have been there for these types of things as things come up.

13 And at one point the President asked for, I believe, the printouts of pictures from  
14 the various States where the election was close or hadn't been called yet or what the vote  
15 tallies were in specific States. I facilitated getting that information.

16 Q Okay. Did you help write the remarks -- it sounds like you didn't -- but  
17 write the remarks that the President ultimately gave in the morning of November  
18 4th -- early morning of November 4th?

19 A So I did not write the remarks. I might've had some input into them, but I  
20 don't recall what that input might have been.

21 But it was like a collaborative sort of environment, a lot of people saying a lot of  
22 things. And particularly the President, you want to make sure that what he says he  
23 wants in his remarks gets in his remarks.

24 So I would've had sort of some role in that, you know, making sure that edits  
25 weren't lost or that revisions were correctly made, talking through with the group various

1 sentences, claims, things of that nature.

2 Q Who is primarily responsible for writing the remarks? Would that have  
3 been Stephen Miller?

4 A I would say so. I would say that, at least in the President's mind, he would  
5 have been primarily responsible. We may have spoken about this in our previous  
6 discussion. Ross or Vince or both might have been there as well. Today I don't recall  
7 which one or if both were there.

8 Q Okay.

9 A But the speechwriting team was involved.

10 Q Okay. And I understand that there is some debate in the residence that  
11 evening, on the 3rd and maybe into the early morning hours of the 4th, about whether  
12 the President would say he had won or not, and that there are different advisers saying  
13 different things on that topic.

14 Do you remember that?

15 A That sounds right, but I don't, you know, I don't recall the ping-pong back  
16 and forth, but I believe a conversation like that happened.

17 Q Okay. And do you remember where Mark Meadows fell in this? Was he  
18 advising the President to say that he had won or that the President couldn't say that yet  
19 based on where the election stood?

20 A I don't recall, like I said, specific statements made by specific people. But if  
21 I were to -- you know, memory's tough here, especially when you're asking about specific  
22 things specific people said. But I think that Mark was advocating a more cautious path.

23 Q Who else was advocating a more cautious path, even if you don't recall  
24 specific statements?

25 A Some of this I'm doing my best to think about who was there and who

1 would've said certain things, and I really -- I don't know if that's helpful to you or not.

2 But I think Eric might have been there and he probably was on the more cautious side.

3 Q Okay.

4 A If I said anything, which I don't recall, I would have been on the more  
5 cautious side.

6 Q Okay. Do you have a specific memory of anybody being on the other side  
7 saying, "No, you have to go out there and say you won this thing"?

8 A I don't.

9 Q Do you have a general memory? There's been reports that Rudy Giuliani  
10 was one of those people saying, "You just got to go out there and say we won."

11 A I wouldn't dispute that, but I couldn't say that he said that.

12 Q Okay. There have been reports that even before election night there had  
13 been discussions about whether Mr. Trump should declare victory if it looked like he was  
14 ahead, even if the election hadn't been called and there were still ballots remaining to be  
15 counted.

16 Do you remember in the pre-election period discussions like that where the  
17 President would just declare victory on election night regardless of what was happening  
18 on the ground, so to speak?

19 A I don't have any memory of that.

20 Q All right. And, [REDACTED] if you could please pull up exhibit No. 1.

21 Mr. Lyons, are you able to see that exhibit No. 1? It's an email from Ross  
22 Worthington to himself, at least at the top, from November 8th?

23 A Yes.

24 Q Okay. And then that's actually a forwarded email, which you can see in the  
25 middle of the screen there. That one's from -- the original email's from Ross

1       Worthington on November 3rd, election day, at 7:02 p.m. eastern standard time, to you.

2       I assume that's your email address, Derek.S.Lyons@who.eop.gov?

3             A     Yes.

4             Q     Okay.   And then to Robert Gabriel, Stephen Miller, and Vince Haley, with  
5       the subject of "Speech Drafts."   It says, "Attached."   And then in bold and underlined,  
6       "For you only."   And then it continues, "Please do not forward and do not share.   Three  
7       scenarios."

8             And if you could go to page 2 of that, please, 

9             Oh, and this may be 1a.   I'm sorry.   Yes.   If you could pull up 1a.

10            So there's then election night speeches A, B, and C.   One is conceding to now  
11       President Biden, the other is declaring victory, and the third is essentially acknowledging  
12       that there's still counting to be done.

13            Do you remember getting these draft speeches?

14            A     I remember that I got them, yes.

15            Q     And why did you get these?

16            A     Because they would have been remarks of the President as per the usual  
17       process would have come to the staff secretary.

18            Q     Do you know who drafted these three speeches?

19            A     I don't know the individual who drafted them, but it would have been  
20       somebody in the speechwriting office.

21            Q     Do you know if the President requested three speeches to give on election  
22       night for different scenarios?

23            A     I don't believe -- I don't -- I don't believe he did.

24            Q     Do you know whose idea it was to draft these?

25            A     It would be the speechwriting team trying to do good staff work to be

1 prepared. You know, candidates typically give a speech on election night or the morning  
2 after the election. And so my belief is that these were drafted in an effort to be  
3 prepared.

4 Q Do you know whether any of these drafts were sent to or discussed with Mr.  
5 Meadows?

6 A I don't.

7 Q Do you know whether any of these drafts were discussed with President  
8 Trump?

9 A I don't. I don't. It is possible that it might've been, as when he said he  
10 wanted to make remarks, it may have been presented to him as these are predrafted  
11 remarks. But I don't know if that happened or not. I did not present them to him, to  
12 the best of my recollection.

13 Q Okay. And I'll represent to you, just from my review of these speeches,  
14 that my understanding is that none of these speeches were actually the speech that was  
15 delivered on the early morning hours on November 4th following election night.

16 Do you know why the President didn't choose any of these speeches to give  
17 following the election?

18 A I could only speculate.

19 Q I guess, what's your understanding of why the President didn't do that?  
20 Not speculating, but if you have an understanding.

21 A If he was presented with them, which I don't know that he was, he wouldn't  
22 have given them because he wanted to say something else.

23 Q And in those early morning hours in the residence, is it your recollection that  
24 the President was involved in editing and shaping and drafting the remarks that he  
25 ultimately gave, maybe working alongside Mr. Miller or others?

1           A    The President was always involved in his remarks.  They were his remarks.  
2   He was always involved in editing them or providing input.  He didn't type them.

3           Q    And did he provide input and edit, even if not typing, on -- before that  
4   speech that he delivered early morning on November 4th, to the best of your  
5   recollection?

6           A    Yes.

7           Q    Were you at the White House for his speech that he delivered on the early  
8   morning of November 4th?

9           A    Yes.

10          Q    Were there any meetings after his speech or even just get-togethers with  
11   the President about what he had said?

12          A    There may have been.  I don't have any specific recollection of it.  It was  
13   very early in the morning.  I don't know.

14          Q    Okay.

15          A    I don't know.

16          Q    I pause there to see if anybody has follow-up on those issues.  
17   Okay.

18          [REDACTED] No thanks [REDACTED]

19          BY [REDACTED]:

20          Q    Did you have an official role with the campaign?

21          A    I didn't have an official role with the campaign, no.

22          Q    All right.  And in the post-election period, I'd ask, I guess, a similar question,  
23   understanding that at some point the campaign ceased being a campaign as we would  
24   ordinarily think about it.  But did you have any official role, whatever the campaign  
25   apparatus became, in the post-election period?

1 A I didn't have an official role.

2 Q Did you have a different role, other than an official role?

3 A I volunteered some time in the days after the election.

4 Q For what?

5 A To help the campaign.

6 Q For what? I'm sorry.

7 A You know, in the day after the election, in the days after the election, there  
8 was -- in the days after election day there was a lot of activity around potential challenges  
9 or legal efforts to protect the candidate's rights. And I thought that as a lawyer that I  
10 might have some ability to help, to pitch in and help out with those efforts. And so I  
11 went to the campaign for a few days.

12 Q Okay. And that's a great segue into exhibit No. 2.

13 If you could please pull that up, [REDACTED]

14 So exhibit No. 2 is going to be a spreadsheet, a small spreadsheet of some text  
15 messages that I understand you exchanged with Mr. Meadows. Understanding that it  
16 may be kind of hard to see, but do you see the spreadsheet at least, Mr. Lyons?

17 A I do.

18 Q Okay. So one of -- I'm going to start with the first message. It's from

19 [REDACTED] Was that your work cell phone?

20 A It was.

21 Q And then this is to Mark Meadows with a number ending in [REDACTED]. The first  
22 entry there is dated November the 4th -- actually the first six entries are dated November  
23 the 4th. The blue ones are from you to him and the white one is from him to you. I'll  
24 just read through them.

25 You message him, "Anything I can do? (this is Lyons)."



1           Mr. Meadows says, "Look at nexus for lawsuits to protect ballots in Michigan and  
2           Wisconsin. Just want a fair count." He goes on.

3           You say, "Got it." Then you say, "Recount or fair count of what's left? Are we  
4           moving to litigating the canvassing phase?"

5           Then there's a longer message that I'll get to in just a moment.

6           So is this what you were just talking about, helping out in some respects in the  
7           post-election early litigation efforts or thoughts of litigation?

8           A    Yeah. That's right.

9           Q    Okay. Why did you reach --

10          A    Or not to -- sorry. Sorry, [REDACTED] Not just litigation, as I see now, but  
11          recounts in close elections happen, that type of thing.

12          Q    Why did you reach out to Mr. Meadows specifically as opposed to somebody  
13          in the campaign, for example?

14          A    I'll answer that. To revisit also, looking at these messages again, litigation,  
15          recounts, but also at the time counting wasn't even over in several States. So at this  
16          time the election is still ongoing.

17          Your question is, why did I reach out to Mr. Meadows?

18          Q    Correct.

19          A    Sure. He was chief of staff. You know, he had involvement in the  
20          campaign. He's sort of a straddle, a foot in both worlds. And it was -- I reached out to  
21          a lot of people actually that I thought might have some insight into the campaign's  
22          activities to see if I could help. So he was one of them.

23          Q    And aside from the one message that he writes to you, says, "Look at nexus  
24          for lawsuits to protect ballots in Michigan and Wisconsin," he doesn't at least respond by  
25          text. I mean, were you in touch with him about your questions that you posed in these

1 text messages to Mr. Meadows via phone or personally?

2 A I don't -- I don't have any -- any recollection, you know. I don't have access  
3 to the [REDACTED] number anymore, so if there were additional messages on that number, I  
4 couldn't tell you. It was a government phone. It's possible we talked in person or at  
5 the campaign headquarters, but I don't have specific recollection of what those  
6 conversations would have been.

7 Q Was Mr. Meadows -- oh, I'm sorry.

8 A I just said I don't have any specific recollection of what those conversations  
9 would have been.

10 Q Okay. Do you remember Mr. Meadows being at campaign headquarters  
11 the day after the election?

12 A I don't know which days. They kind of compress, especially at this distance  
13 in time.

14 Q Right.

15 A I remember seeing him there at least once in the post-election time period.  
16 I believe during that time period he got COVID, so I don't remember seeing him a lot.

17 Q Did Mr. Meadows ever tell you why he wanted you to look at the States of  
18 Michigan and Wisconsin specifically?

19 A No, not to my recollection. They were two States in -- two battleground  
20 States.

21 Q Do you recall ever actually researching issues regarding protecting ballots in  
22 Michigan and Wisconsin?

23 A Not specifically those States or those topics. I mean, I may have -- I  
24 certainly talked to people.

25 You know, I'm not an election lawyer, so I think I had some conversations maybe

1 with folks on the campaign who are or have been election lawyers to sort of learn about  
2 the space that I was volunteering to pitch in and help out with.

3 But I don't have any specific recollection of any research that I did. It's possible I  
4 did some Google searching and stuff like that, but I don't -- I don't know.

5 Q Okay. A couple hours later, at least by the time stamps here, you sent a  
6 text message saying, "We need to have, as of several hours ago, very attentive people in  
7 every location in those States where the allots" -- I assume you mean ballots -- "are being  
8 held. They need to document every new arrival/departure of ballots in those locations."  
9 And it goes on for several suggestions.

10 Then you say that, "This will provide the record of any emergency legal challenges.  
11 I'm sure Justin et al are all over it, but this is the basic framework."

12 So do you remember sending this?

13 A I won't contest that I sent it. I don't remember sending it. But yeah, I  
14 think I, I mean, I send it. I wouldn't -- I have no reason to say I didn't.

15 Q And it looks to me -- and this is just my view here -- but it looks to me like  
16 this is kind of a recommendation to Mr. Meadows as to the very basics of what needs to  
17 be done if there's going to be any litigation or challenges, maybe recounts or otherwise.

18 A I think that's a fair characterization.

19 Q [Inaudible.]

20 A Yeah. No, I think that's a fair characterization.

21 Q Okay. Is that what you were talking about earlier as pitching in where you  
22 could as a lawyer who might be able to help in some way in the post-election days?

23 A Yes. That was a part of it.

24 Q And is it fair to say that your suggestions, if you recall, as to the strategy in  
25 the days following the election were more focused on traditional election challenges

1       rather than being involved in allegations of fraud or investigating purported fraud  
2       post-election?

3               A     I'm not sure I agree with that characterization in the sense that allegations of  
4       fraud are often part of traditional post-election litigation.

5               Q     I see.   Okay.   Fair enough.

6               Did you make a distinction in your mind in the work that you were doing between  
7       looking at specific examples, like dead people voting or forged ballots, as opposed to the  
8       things you're talking about here, making sure that ballots are secured and looking for  
9       apparent defects, like no signatures?   Was there any distinction like that that you drew?

10              A     Not at the -- no, not at that time.

11              Q     Okay.   If you could pull up exhibit No. 3, please.

12              This is going to be an email chain that started on November the 4th.

13              All right.   So thank you.

14              Scroll to the bottom of first page of exhibit No. 3, and it's an email from Stephen  
15       M., [REDACTED] account.   Is that -- your understanding is that Stephen Miller?

16              A     Yeah.   That would be my assumption.

17              Q     Okay.   Do you know whether that was Stephen based on your interactions  
18       with him or emails?

19              A     You know, I don't know.   But, yeah, but I believe it's his email.

20              Q     Okay.   And that's sent on November 4th at 7:31.   And some of these  
21       emails, I'll just let you know, Mr. Lyons, that sometimes in the process --

22              A     Sorry.   I'm going to mute because there's a siren in the background, for a  
23       moment.

24              Q     Yeah, of course.   If you'd like to take a quick break, too, that's fine.   Up to  
25       you.

1           A    I'm happy to continue for a little while longer.

2           Q    Okay.

3           A    And, okay, the siren has passed.

4           Q    Thank you.

5           All right. So I'll just represent to you that some of the email stamps here, we're  
6 not entirely sure if they're eastern standard time, so there may be a few hour difference.  
7 But this one, at least, is on its face dated Wednesday, November 4th, at 7:31 p.m., and it's  
8 from Stephen Miller to Justin Clark, Nick Trainer, Matt Morgan, and others.

9           The subject line is, "Information for potential remarks/pressers." And it says,  
10 "Can we please get the following tonight for all key states? Numerical analysis of why  
11 we have won/will win. Active or planned litigation -- and arguments therein.  
12 Evidence -- anecdotal or systemic -- of voter irregularities, fraud, or unlawful voting.  
13 Conclusion and clarity key."

14           And then that's forwarded, ultimately, adding you in the top email -- if we could  
15 scroll up, please, Grant -- adding you, at least on this time stamp, on November the 5th,  
16 at 2:28 p.m.

17           Do you remember receiving this email chain?

18           A    I don't. But I apparently did.

19           Q    Okay. Do you remember having any involvement in doing what Mr. Miller  
20 was apparently requesting, looking for information about numerical analysis or litigation  
21 or evidence in response to his request to do so?

22           A    I think I probably was involved in liaising with folks on the campaign to try  
23 and compile that type of information.

24           Q    And do you recall what you did?

25           A    I probably asked people on the campaign if they had this type of

1 information. I might have received the information from them and passed it on,  
2 middleman.

3 Q Do you remember doing that, being the middleman, so to speak, and passing  
4 along information to Mr. Miller or others?

5 A I think I probably did that.

6 Q Do you remember what it was that you passed along to Mr. Miller?

7 A It would have been of the type of information requested.

8 Q Okay. But do you remember specifically what it was information about -- I  
9 don't know -- suitcases of ballots, dead people voting, irregularities with respect to -- I  
10 don't know -- secretaries of state, anything specifically at all?

11 A I don't remember anything specifically.

12 Q Do you know why Mr. Miller added you specifically to this email? Was it in  
13 your role as staff secretary, getting information to the President, or was it something  
14 else?

15 A Well, at the time, it's November 5th, so we're 2 days after the election. He  
16 probably knows I volunteered some time over at the campaign. It was an easy contact  
17 for him at that point given our long history of dealing with each other, would be my  
18 guess.

19 As you can see, he doesn't say why I'm added to the email, so it's only an informed  
20 guess.

21 Q Fair enough.

22 If we can go to exhibit 4, please.

23 This is an email -- when it comes up -- there it is -- this is an email from Ross  
24 Worthington to Mr. Miller at his White House address, you at your White House address,  
25 Vince Haley at his White House address, copying looks like himself. This is dated

1 November the 5th at 6:43 a.m.

2 The subject is "Close hold" and the attachment is "Election Update Revised."

3 And the subject -- or the body of the email rather says, "Please exercise extreme caution."

4 If we can go to 4a, please.

5 This is the attachment to the email that talks about "Election Update," that looks  
6 to be remarks prepared that the President could give about what was happening in the  
7 days after the election.

8 Do you remember receiving this email?

9 A Could you remind me of the date? The answer is, I don't have any specific  
10 recollection of receiving that email, but it was November 5th, so 2 days after the election,  
11 the morning of. I don't have any specific recollection of it, but apparently I received it.

12 Q Okay. Do you remember getting any email or anything that Mr.  
13 Worthington said, "Please exercise extreme caution" about? I guess I'm wondering if  
14 you know why Mr. Worthington or what your understanding was of why Mr. Worthington  
15 thought these remarks required extreme caution?

16 A Sure. You know, I don't know why he wrote it on this particular email  
17 exactly, but on -- it wouldn't have been unusual for sensitive speeches on sensitive topics  
18 to receive some sort of marker like that. We had a White House that  
19 traditionally -- traditionally -- frequently leaked information from a variety of places, and  
20 my office was conducive to facilitating those leaks given our role in distributing  
21 information.

22 So I think this -- and, again, I have not read this document, so I don't know what's  
23 in it. If you'd like, I could read it. But my guess is, it's just -- it's the election was a  
24 sensitive topic. We're 2 days after the election. I think ballots are still being counted.  
25 What the President would say about the election is a matter of great public interest.

1 Leak probability goes up in that -- in that -- under those circumstances.

2 Q Okay. Do you remember any concerns among this group of people -- so  
3 Mr. Worthington, Mr. Miller, Mr. Haley -- that draft speeches for the President needed  
4 extreme caution because there are questions about the accuracy of the information that  
5 was being placed into the speeches?

6 A No. No recollection of that type of concern.

7 Let me revise, I guess, a little bit. I mean, there would be times when -- and I  
8 don't know if this is one of those times -- but there would certainly be times when drafts  
9 were created quickly and they wouldn't want them distributed quite as broadly as we  
10 might otherwise distribute them based on the draft status of the document.

11 Presidential speechwriting happens on a variety of timeframes, including minutes  
12 to days and weeks, so sometimes that would happen.

13 Q All right. And if we can go back to 4a, please, page 1. This is the draft  
14 remarks. And I don't know that it's necessary, unless you'd like to, to read through all of  
15 it, but I do want to point out a couple places.

16 So in the third paragraph there, it says, "Democrats never believed they could win  
17 this election honestly -- this is the reason they pushed for mass mail-in voting in the first  
18 place."

19 Do you remember anybody ever raising concerns about making statements like  
20 that in speeches that the President would give?

21 A Not like that, no.

22 Q Do you remember seeing any factual support or discussions about factual  
23 support to substantiate comments like that in speeches that the President would give?

24 A I mean, that sentence that you read, it strikes me as an opinion.

25 Q Okay. How about the second clause -- that's fair enough -- but the second



1 clause is, "this is the reason they pushed for mass mail-in voting in the first place."

2 Did you see any evidence or know of any discussions about evidence that this was,  
3 in fact, a reason for pushing mass mail-in voting as it says there, "in the first place"?

4 A Again, I would say that's an opinion.

5 Q Okay. So you're not aware of factual support, at least so far as you saw,  
6 that was being discussed in the White House at the time for a statement like that?

7 A I mean, I don't mean to be -- what would you consider factual support for a  
8 statement like that? It's hard for me to answer that question.

9 Did we find any documents where Democrats wrote -- like the DNC wrote that  
10 down? I'm not aware of that. But otherwise I think this is properly characterized as an  
11 opinion.

12 Q Okay. Let's go to the sixth paragraph. It says there, "There's no doubt,  
13 based on what we've seen" -- yeah, right there, right where the cursor is -- "There's no  
14 doubt, based on what we've seen, that Democrat Party activists and local officials are  
15 trying to illicitly change the election result."

16 Would you put that in the opinion category, too? Same questions, essentially.

17 A If you want to ask the questions again. But I would say that that's fairly  
18 characterized as an opinion as well.

19 Q Okay. So no specific documents or evidence otherwise that you're aware  
20 of being discussed in the White House that would support the statement that, "There is  
21 no doubt, based on what we have seen, that...activists and...officials are trying to illicitly  
22 change the election result"?

23 A Sitting here today, I don't recall anything like that.

24 Q And do you remember any discussions -- you can take that down, thank you,  
25 Grant -- any discussions or internal debates about what the President should focus on in

1 his post-election day speeches; meaning, actual litigation challenges versus just  
2 anecdotes of fraud that were bubbling up or percolating up from the public?

3 A I'm sorry. Could you ask the question again in a slightly different way?  
4 I'm not sure I --

5 Q Yes. That's perfectly fair.

6 Do you remember any discussions in the White House about how the President or  
7 what the President should focus on when he was making post-election day speeches?

8 And I'm wondering specifically whether there's debate about or recommendations  
9 that the President focus on actual litigation challenges and what was being alleged versus  
10 some of the allegations of fraud that may be coming out on Twitter or in other social  
11 media, for example.

12 A I think I'd give the same answer I gave to [REDACTED] earlier. You know, I  
13 don't have any specific recollections, general recollections that the election happens on  
14 November 3rd, on November 4th, it's still being counted, there's allegations all over the  
15 place, in the media and Twitter, et cetera.

16 There's litigation that's beginning, but litigation kind of comes in fits and spurts.  
17 It takes a lot -- you know, it's not like it instantaneously happens. So -- and the  
18 President is talking about the election from the night of -- or the early morning hours of  
19 the 4th through my departure from the White House and thereafter.

20 You know, the claims evolve, I guess. But I don't have any specific recollection of  
21 talk about this, don't -- talk about only these types of things and not those types of things.

22 [REDACTED] Any follow-up from that?

23 [REDACTED] Quick follow-up, Mr. Lyons.

24

BY [REDACTED]

25 Q Our understanding from others is that there was maybe some hesitation

1 with using, at least in the immediate days after election day, some hesitation to use  
2 words like "rigged." So maybe the election was being stolen, but not say the election  
3 had been rigged.

4 Do you remember any internal discussions along those lines?

5 A Well, what I recall specifically in response to that question -- or I think I  
6 recall -- is I think the word "rigged" had been used at various points during the campaign  
7 season, and, in fact, probably even earlier in the course of the Presidency.

8 I remember having a feeling myself -- I believe it might have been shared by  
9 others and maybe expressed, I don't have any specific recollection of it being  
10 expressed -- but that, you know, at least before the election, I didn't like calling it rigged  
11 because if we had won you wouldn't want to win a rigged election. It just kind of called  
12 into question the legitimacy of the entire enterprise.

13 I don't have any specific recollection after the fact of being stolen versus rigged.  
14 I think there was very likely discussion about the fact that in the days following the  
15 election it was still in doubt even up to -- you know, elections -- election day is an  
16 important day, but the election is not over then. I mean, people are done voting.  
17 There's counting, there's canvassing, there's certification.

18 So I think it wouldn't surprise me if there was discussion about the fact that there  
19 was still a process happening.

20 So to use the "rigged" versus is being -- I mean, I wouldn't be -- I would say that  
21 probably the accurate characterization would have been that it was ongoing. So  
22 phrases that implied ongoing would be more accurate.

23 Q Do you recall ever noticing like what you perceived to be like a shift in the  
24 language where it became perhaps stronger or more definitive as to what had happened  
25 on election day?

1           A    I don't recall. Perhaps the public record reflects a shift, but I don't recall.

2           Q    Do you recall any internal discussions about how to characterize mail-in  
3 votes, such as don't attack it too much because in certain States mail-in votes can tend to  
4 be for Republicans, such as in like Florida, for example?

5           A    Sure. There was discussion about mail-in voting throughout the campaign.  
6 There are jurisdictions with more of a history of mail-in voting or certain portions of the  
7 electorate are more accustomed to it, more used to it, and others where they're not.  
8 There are different rates of partisan adoption of mail-in voting in various jurisdictions.

9           So, yeah, I recall during the course of the campaign overhearing discussions about  
10 that.

11          Q    What about after election day? Do you remember those discussions  
12 continuing with respect to prepared remarks that the President was going to give?

13          A    I don't have any specific recollection after election day about that. It may  
14 have happened. I don't have any specific recollection.

15

BY

16          Q    All right. If we can pull up exhibit No. 2, please.

17               And this is going back to the text messages that we had looked at earlier, but I  
18 want to ask you about the very last one.

19               The last one there is dated November the 6th. It is from you at a phone number  
20 ending [REDACTED]

21               Is that your phone number, Mr. Lyons?

22          A    It is.

23          Q    Okay. And that is to Mark Meadows. And it says, "When you make the  
24 ask of the PA legislators to give a presser, part of their list of grievances must be the  
25 exclusion of poll watchers and observers of the count."

1 Do you remember sending this message to Mr. Meadows on the 6th?

2 A I don't have a specific recollection of sending it, but I don't dispute that I sent  
3 it.

4 Q Okay. Do you know what you meant with this text message? Specifically  
5 we'll start with the PA legislators. What does that mean?

6 A So there was a lot going on. I don't have perfect recall on this. But there  
7 was a lot of discussion about -- or I recall discussion about getting political support for the  
8 recount, count, canvassing, sort of legal challenges, all the sort of stuff that happens sort  
9 of after the election in the courts.

10 In any litigation or high profile litigation, there's litigation strategy, public relation  
11 strategy, political strategy. And so -- and there was, you know, I recall there being  
12 discussion of several sympathetic members of the Pennsylvania Legislature who wanted  
13 to help rally political support.

14 I think Mark, based on the text message, it seems like Mark might be liaising with  
15 some of those people. And as I had been volunteering, it struck me that there were a  
16 lot of allegations, as we've been discussing.

17 But one thing that struck me as particularly interesting about the election in  
18 Pennsylvania was the distance at which poll watcher -- or, sorry, observers of the count  
19 were kept and the exclusion of sort of poll watchers from the polling places, or at least  
20 allegations that that had happened.

21 I felt like that was firm ground to stand on as opposed to perhaps other  
22 allegations that were flying around. And if there was going to be a political case made, I  
23 thought that that should be part of it.

24 Q You mentioned a lot there. Just to break some of it down.

25 You said that there may have been some sympathetic State legislators or folks in

1 the States. Do you remember any specifically who the White House had been in touch  
2 with or the campaign had been in touch with?

3 A I don't know any -- I don't know any names of any Pennsylvania State  
4 legislators.

5 Q Okay. Does Doug Mastriano, senator from the State, sound familiar,  
6 somebody who may have been involved in the early days after the election?

7 A That does sound like a name that I recall hearing.

8 Q What about --

9 A He was like the --

10 Q Sorry.

11 A He was like the President of the Senate or the Speaker of the House,  
12 perhaps. That does ring a bell.

13 Q What about any Members of Congress from Pennsylvania? Were they  
14 involved in this idea of having a press conference, like Representative Scott Perry, for  
15 example?

16 A That's a name I recall.

17 Q What do you recall Representative Perry --

18 A I just remember that he was a supporter of the President and -- I don't know  
19 what his specific role was. But I remember he was --

20 Q Do you remember -- do you remember any -- oh, sorry.

21 A Sorry. You want me to say it, again.

22 Q If you don't mind, yes. I'm sorry, Mr. Lyons.

23 A Sure. I just recall his name being mentioned.

24 Q Do you remember Scott Perry taking any actions or making any  
25 recommendations with respect to the campaign? I understand that he may have been

1 in the campaign offices in the days after the election, for example.

2 A You know, I think I may have met him at the campaign office, but I don't -- it  
3 was just introduction. I don't have any substantive conversation with him.

4 Q Do you know if the presser that you had mentioned in this text message ever  
5 actually happened?

6 A I don't.

7 Q And do you remember what Mr. Meadows' views were as far as engaging  
8 with State legislators? Do you know what the purpose of such engagement would be,  
9 other than what you already mentioned?

10 A In Mark Meadows' mind?

11 Q Yeah, your understanding of Mark Meadows.

12 A I couldn't speculate to what was in his mind.

13 Q Okay, but did he ever tell you, for example, like, this is why we need to  
14 engage with State legislatures?

15 A I don't have any recollection of him telling me anything like that.

16 Q Do you remember any discussions, hearing about or participating in any  
17 discussions with anyone in the White House or associated with the campaign regarding  
18 engaging State legislatures because they might have a role in determining the outcome of  
19 the election, and specifically with respect to their potential authority to appoint electors?

20 A Again, nothing specific. But, yeah, that would have been a topic of  
21 discussion. I remember it being a topic of discussion.

22 Q When was the first time you heard about it, if you remember, and what do  
23 you remember hearing?

24 A I mean, difficult to really say. I mean, as you think about the election, even  
25 before the election, you just know that, like, there's the election, there's the counting,

1       there's the canvassing, there's the certification by the legislature, there's the transmission  
2       of the electoral votes to Congress, et cetera.

3               So I couldn't say, like, the first time I heard anybody talk about State legislatures'  
4       constitutional role in the Presidential election.   You know, it wouldn't have been  
5       remarkable in any fashion.

6               As you think about what happens after election day, there's -- State legislatures  
7       are an important piece of that.

8               Q     Do you specifically remember -- excuse me.   Let me rephrase that.

9               Do you remember hearing about State legislatures' authority to appoint electors  
10       before the November elections?   In other words, did you hear about this discussion  
11       before the November election?

12              A     I'm going to be -- you said did you hear about this discussion.   I don't know  
13       what you're referencing in this discussion.

14              Q     Okay.

15              A     I mean, was I aware that State legislatures appoint electors before the  
16       election?   Yes.   Did anybody talk about it before the election?   Maybe.   I don't have  
17       any specific recollection of it.

18              Q     And specifically, do you remember before the election hearing anybody  
19       discussing State legislatures appointing Trump electors in a State even if Mr. Trump  
20       ended up losing that State?

21              A     I don't have any recollection of that.   Again -- yeah, I don't have any  
22       recollection of that.

23              Q     And I'll just -- give me one moment.

24              The reason I ask, in part, and I'll just reference to you, there's been public  
25       reporting that said something to the effect of, according to sources in the Republican



1 Party at the State and national levels, the Trump campaign is discussing plans to bypass  
2 election results and appoint loyal electors in battleground States where Republicans hold  
3 the legislative majority.

4 And that was -- those were reports from before the election, including in  
5 September of 2020.

6 Do you remember hearing any discussions about plans like that?

7 A No. I don't have any recollection of that.

8 Q Do you remember hearing anything like that after the election? In other  
9 words, asking State legislatures to appoint Trump electors despite the fact that Mr.  
10 Trump had lost in that State.

11 A Well, I remember having a conversation with -- at least one conversation  
12 with Justin Clark that was more or less to the effect that under the Constitution it says  
13 something to the effect -- and I don't have the Constitution in front of me, so this is a  
14 paraphrase, I think -- but something to the effect of in a Presidential election, electors  
15 shall be appointed by the State legislature in the manner it so chooses.

16 Therefore, it doesn't say anything about there being an election, or if there is an  
17 election, the State legislature having to follow the results of that election.

18 I guess there's a question in there about what State constitutions may have to say  
19 about the matter. But as a number of discussions, as a legal matter, that State  
20 legislatures could send the slates that they wanted and that, historically, there's some  
21 historic examples of State legislatures sending slates and governors sending slates,  
22 dueling slates.

23 This has happened a few times in history, in our history. So there were some  
24 conversations of that nature that I recall having with Justin Clark.

25 Q And do you remember those conversations only happening with Justin Clark,

1 so far as you were involved?

2 A I don't remember myself having them with anybody else, or it's possible I  
3 don't remember everything. But I remember having them with him.

4 Q Okay. And are you aware of any effort -- I'll start over.

5 It sounds like kind of an academic discussion almost. I don't want to characterize  
6 it in a way that's not accurate.

7 But are you aware of any effort to have State legislatures actually appoint  
8 competing slates of electors from within the White House or the campaign after the  
9 election?

10 A I'm not aware of any -- I'm not aware of anybody taking steps to  
11 achieve that. Well, I'm not aware of -- I don't know. There's a lot of reporting out  
12 there, right, and some of my memory is tainted by I don't know what Rudy and Sidney  
13 Powell or Jenna -- I don't know what these people were doing, so I can't speak to  
14 anybody.

15 But I think one of the reasons why State legislatures have that role is election  
16 challenges can take a long time, the President needs to be elected so the country has a  
17 President, and so on and so forth.

18 So, you know, I think that there may have been some discussion that there's a  
19 litigation strategy, like I said, a public relations strategy, and a political strategy. If the  
20 case could be made and State legislators acting in their official capacity made certain  
21 choices, they would send up a slate.

22 I don't know of anybody taking steps -- I don't have any specific recollection of  
23 anybody taking steps to effectuate that. Nobody discussed it with me, I don't think.

24 Q Do you ever recall hearing the President was involved in discussions about  
25 having State legislatures appoint separate electors, even though he lost a particular

1 State?

2 A I don't have any recollection of that either.

1

2 [12:01 p.m.]

3

BY 

4

Q What about Mr. Meadows, do you remember hearing that he was ever involved in any of those discussions?

6

A And I guess it goes back to my first answer, which is I don't remember any discussions that were specifically about taking that action as a concrete matter. So I couldn't -- I don't have any recollection about any specific person taking or having those discussions.

10

Q Okay. How about not as a concrete matter, just in general?

11

A Well, as I said, this was a topic of conversation, at least between me and Justin Clark. Presumably -- well, I don't want to presume. It was an idea that was out there, so I wouldn't be surprised if there were conversations of that nature.

14

Q Did Mr. Clark offer his views about whether that would be an appropriate step, to have State legislatures appoint electors for the President in States that the President had lost?

17

A What do you mean by "appropriate"?

18

Q Did he think it was a legally sound option, or did he say there's -- this is not okay to do, if it was a topic of conversation that was going around?

20

A I don't remember him saying that it wasn't legally sound; that it seemed to have support in the Constitution. I'm not sure it has historical precedent. There had been contested elections in the past, like I said, with dueling slates of electors. So I'm not sure that the precedents line up exactly, but we had conversations about that constitutional theory and some of the history I recall.

25

Q To the best of your knowledge, who else was involved in those

1       conversations, other than the ones that you had directly with Mr. Clark?

2           A     I couldn't say. I don't know.

3           Q     And when were those conversations, other than the one that you had with  
4       Mr. Clark -- or actually I'll start with that one.

5           Roughly when did you have that conversation with Mr. Clark?

6           A     My guess would be in the days after the election.

7           Q     And what about other --

8           A     Probably --

9           Q     Go ahead.

10          A     Probably early to mid-November, but I don't know. Somewhere in that  
11       timeframe.

12          Q     And did he tell you that he was having conversations like this with other  
13       folks in the campaign or the White House?

14          A     I don't recall him telling me that.

15          Q     Do you know who else was involved in conversations like this that you heard  
16       about, even if you weren't a participant?

17          A     I don't. I don't recall right now who else may have been involved. But, as  
18       I mentioned, there was a legal strategy, a public relations strategy, political strategy. An  
19       election has all three of those components.

20          I imagine most of the senior level of the campaign would have been thinking  
21       about all three of those elements of the campaign.

22          Q     All right. And I'm going to ask you this to see if it refreshes your memory  
23       about anything. But there has been public reporting that there was a meeting around  
24       November the 12th with the President in the White House to discuss this idea of having  
25       Republican State legislatures appoint their own electors in States that he had lost.

1           Did you ever hear about this meeting or meetings like it in the White House that  
2 involved the President?

3           A    I wasn't in the November 12th meeting that you referenced, if it happened.  
4 I know there were lots of meetings after the election day, after election day, about what  
5 might be done to have the final result be that President Trump would be declared the  
6 winner of the election ultimately. I heard about a lot of meetings like that. I couldn't  
7 tell you what was discussed in any of those particular meetings on any particular day.

8           Q    And so tell us what you generally heard, then, in the meetings like that that  
9 you just described where there were discussions about ultimately having the President  
10 declared the winner of the election?

11          A    Again, I heard that they discussed legal challenges, public relations strategy,  
12 messaging, political strategy, allegations of fraud, irregularities, investigating those  
13 allegations and irregularities, what powers and authorities there might be to find out if  
14 any of those allegations or irregularities were valid, whether they were Federal powers or  
15 State powers.

16          Q    And when you say legal challenges, are you talking about court cases?

17          A    Court cases, yes.

18          Q    Okay. And then the political strategy, that being related to State  
19 legislatures as being maybe one example of that? Is that accurate?

20          A    I think that's accurate.

21          Q    All right.

22          A    State legislatures' role as an official matter, State legislators' role as public  
23 figures.

24          Q    Bear with me just a moment.

25               Were you ever in a meeting where those issues, like the ones you just described,

1       came up?

2               A     I could have been. I don't -- as I said, there were lots of meetings over a lot  
3       of days, and at the campaign -- when I was volunteering on the campaign, I'm sure we  
4       discussed those things.

5               Q     Do you remember anything specifically about those?

6               A     I mean, can you be more specific? Could you be more specific?

7               Q     It sounds like you may have been involved in meetings, and I'm just trying  
8       to -- you know, one of the things for us that's helpful is to get into those meetings as best  
9       we can and understand what was said and who said it and what the reactions were, if  
10      there was pushback or debate.

11              So I guess I'm just asking you if you were a participant in any meetings where  
12      these legal challenges and political strategies with respect to the election came up.

13              A     Well, I have a recollection of being at the campaign in the days after the  
14      election where there was a meeting in a conference room where a variety of people -- I'm  
15      happy to try and remember who's there for you at the end of my response.

16              Q     Sure.

17              A     Where a variety of people were discussing the status of the election, the  
18      status of the count in the various States, the procedures for recount, the thresholds for  
19      recount, the procedures for canvassing, the certification timelines, who certified, who  
20      would certify the vote, again, legal, public relations, political, and kind of trying to get  
21      things -- or think about how things might be tracked and to secure, to protect any rights  
22      that may be at risk for the candidate.

23              You can file a court case. It can just be a court case. If you have political and  
24      public support behind it you can get additional time for that litigation. New examples,  
25      new evidence can emerge. As you know as investigators, you uncover one thing, it can

1       bear fruit that you didn't expect it to bear. It can have all sorts of consequences.

2               So I remember a meeting like that that I was involved in.

3               Q     Who else was there?

4               A     So let me think. I think I remember Rudy Giuliani being there. I think I  
5       remember Sidney Powell being there. I remember Hope Hicks being there. I think  
6       [REDACTED] -- again, these are to the best of my recollection -- Dan Scavino, Eric Herschmann,  
7       Eric Trump. There were probably some others in there as well. I think there was at  
8       least one woman in there who I don't know to this day who she is.

9               That's all that I recall at this time.

10              Q     Okay. And did this happen within the week after the election? A  
11       different period? What's the best recollection of when it happened?

12              A     My recollection is this happened in the immediate days following election  
13       day.

14              Q     And what did Rudy Giuliani -- what was his perspective during this meeting?  
15       What did he want to see happen?

16              A     I recall that Rudy had a theory that would be -- I'm trying to think of the right  
17       word -- akin to sort of what he did with the mob in New York, to roll up some, like, large  
18       conspiracy about the election. It wasn't immediately clear to me what that conspiracy  
19       allegation would be and how broad it would be, but I remember him saying: This is  
20       what I did in New York. We can prove up this conspiracy. We need to -- you know, we  
21       can't -- we shouldn't focus on small allegations. We should make bigger -- make bigger  
22       claims.

23              Q     And what was your understanding of the conspiracy he was talking about?  
24       Did he say it was election fraud, it was hacking, it was -- I mean, what did he say about it?

25              A     I don't have a great recollection of it, but it was an election fraud conspiracy,



1 election theft conspiracy. I don't -- you know, the specific elements of it, I don't  
2 remember exactly what he was advocating or talking about at the time. I don't recall  
3 hacking, but that's not to say that it didn't come up.

4 Q And Mr. Giuliani compared it to cases that he had worked as a prosecutor  
5 involving the Mafia. Is that correct? I don't want to put words in your mouth.

6 A That's my recollection.

7 Q Do you remember what he said specifically about that, making that  
8 comparison?

9 A I think he mentioned RICO. That's all I can remember. That's all I really  
10 remember.

11 Q Did he say who the -- like the targets of this, the people who participated in  
12 this conspiracy, were?

13 A Democrats.

14 Q Did he have any --

15 A That's as specific as I remember.

16 Q Did he have any proof of any of this to show the participants in this meeting?

17 A Not that I recall. I think the idea was that proof would be generated  
18 through additional investigation, inquiry.

19 Q And did he say the purpose of why work this as a conspiracy and think of this  
20 as a conspiracy?

21 A To show that the election was -- to show that if the count went the other  
22 direction against President Trump, that it was an illegitimate result.

23 Q And what would the end game be beyond just showing, in Mr. Giuliani's  
24 mind, that it was an illegitimate result?

25 A Well, if you can prove to a court that -- or, you know, like I said, again, legal,

1 political, public relations, right? If you can prove to a court that there has been  
2 irregularities in an election, there are remedies for that. They varied. I'm not an  
3 expert in them.

4 I believe one remedy is a new election. There are other remedies that I think  
5 have been achieved in the history of election litigation. I couldn't list them for you, but  
6 some sort of remedy in litigation if fraud is shown to be sufficiently widespread or large.  
7 That's why there's political checks, like vote certification. So that could have been a  
8 remedy, political remedy.

9 And then, of course, there's public relations as well. I mean, if you can prove up  
10 fraud, theft, irregularities, even if a court case isn't proceeding apace or maybe running  
11 into other obstacles, the public can see with its own eyes what's going on and make its  
12 own determinations about what it believes. And political and legal are joined in many  
13 things, including elections.

14 Q Did anybody in this meeting push back on Mr. Giuliani's idea about there  
15 being a conspiracy or a RICO-like conspiracy related to the election?

16 A I think I did. I think other people did.

17 Q How?

18 A That this wasn't the way that election challenges usually proceed and that  
19 the best and -- the best course of action would be to follow more traditional paths of  
20 election challenge.

21 Mr. Lyons. Is it possible -- I don't know how long we've been going, but is it  
22 possible to take a break?

23 [REDACTED] Yes, of course. Yeah, why don't we take -- would 10 minutes be  
24 sufficient?

25 Ms. Van Gelder. Right. We were talking about ordering lunch, and I've got to

1 discuss that with him, so he's got to make a choice.

2 [REDACTED] Why don't we go off the record.

3 [Recess.]

4 [REDACTED] Let's go back on the record then.

5 It's 12:33, and we're resuming the transcribed interview of Mr. Derek Lyons.

6 BY [REDACTED]

7 Q So where we left off, we were talking about this meeting at campaign  
8 headquarters with Rudy Giuliani, Sidney Powell, and a few others. I do want to go back  
9 to that.

10 I just want to ask, do you remember if Mr. Justin Clark and Jenna Ellis were at that  
11 meeting?

12 A To the best of my recollection, Justin was. I cannot be certain about that.  
13 I can't, like, you know, picture him in the room.

14 I don't know if Jenna was there. I just don't. I can't exclude her, but I can't  
15 include her.

16 Q All right. And you said that you pushed back and thought -- I don't want to  
17 put words in your mouth, but essentially thought that maybe a more traditional route to  
18 challenging the election would be appropriate.

19 Did others push back as well on this, on Mr. Giuliani's idea of framing this as a  
20 conspiracy?

21 A I remember it was a discussion, broad-ranging discussion. I don't think I  
22 was the only person, if I indeed spoke up, which I think I did; but others would have  
23 spoken as well. I just don't know. I couldn't tell you who, who it would have been at  
24 that time.

25 Q Okay. So you don't remember anybody else pushing back in any particular

1 way?

2 A People pushed back. I don't know who they were. I mean, I don't -- I  
3 can't tell you which names.

4 Q Okay. And so maybe without identifying the speaker, what were the ways  
5 in which people pushed back?

6 A Similar things to what we've been talking about, you know. Election  
7 challenges proceed sort of not according to a script, but there's a typical playbook that is  
8 the most likely to succeed, lack of evidence at that stage for widespread fraud allegation,  
9 time. Proving up of -- I think proving up a RICO case takes years in some cases. Time is  
10 an issue in an election challenge.

11 Q Was there any discussion about likelihood of success of any of these  
12 challenges that were being contemplated during this meeting?

13 A Sure, yeah.

14 Q What was the likelihood of success that was being discussed?

15 A I mean, any election challenge you're not -- you're playing from behind, so  
16 likelihood of success is low, unless you are able to assemble bulletproof evidence.

17 Q Did anybody put any numbers on it, like a percentage, for example?

18 A Not that I recall.

19 Q Okay. Was the meeting heated, or was it a civil discussion, or something  
20 else?

21 A To the best of my recollection, it was -- I wouldn't say -- I wouldn't call it  
22 heated. I wouldn't say it was without emotion. It certainly was an emotional time.

23 Q Okay. And what were -- I guess, how would you describe Mr. Giuliani and  
24 Ms. Powell's emotions during this meeting?

25 A Passionate, impassioned.

1           Q    And what about you and Mr. Herschmann and others?   What were the  
2 emotions on your side?

3           A    I couldn't really speak to Eric's emotions.   Eric is really calm, and so he  
4 seemed calm.

5           Q    What about you?   Were you impassioned?

6           A    I don't think so, not -- you know, I can get impassioned, I suppose, but I don't  
7 recall being particularly impassioned in that meeting.   I think maybe -- maybe a little  
8 exasperated.   I sort of felt that if there was any probability of ultimately winning the  
9 election we should focus on the paths that I felt were more likely to succeed than others  
10 and other things would be diversionary.

11          Q    So did you think that Mr. Giuliani's suggestions were just that, diversionary,  
12 as opposed to a more -- a path that's more likely to succeed?

13          A    I didn't feel like they were likely to succeed; that they would divert  
14 resources.

15          Q    What did Ms. Powell say during that meeting?

16          A    I don't particularly recall, but I recall it being aligned with Mr. Giuliani.

17          Q    Was Bernard Kerik at that meeting?

18          A    I'm not sure I would know if he was because I'm not sure I know what he  
19 looks like.   But, again, like Ms. Ellis, I couldn't definitively exclude him.   I don't -- if I had  
20 to say one way or the other, I would say no, but I couldn't say for certain.

21          Q    Okay.   Fair enough.

22               And what did Mr. Giuliani or Ms. Powell say when you and others pushed back on  
23 their ideas?

24          A    I don't particularly recall.   They were opposed.   They wanted to pursue  
25 their ideas.   I don't recall specific words that were said.

1           Q    Did they say they were going to -- or give you the impression, at least, that  
2 they were going to pursue this idea anyway?

3           A    I don't really know how to answer that. They were proponents of their  
4 ideas, and I don't recall any particular conclusion to the meeting. It was largely in the  
5 nature of, like, we were probably brainstorming. Following that meeting there  
6 were -- people went to the White House sometimes. There were discussions that I  
7 didn't go. So I don't know what their plans were coming out of that meeting.

8           Q    Do you know if Mr. Giuliani and Ms. Powell went to the White House after  
9 that meeting? And I mean that day.

10          A    I don't know if it was that day. I don't know when Ms. Powell went or Mr.  
11 Giuliani. It all kind of blends together. But I just know that in the days after the  
12 election there were meetings at the White House that I didn't attend.

13          Q    Okay. And do you know if any of these meetings at the White House that  
14 Mr. Giuliani or Ms. Powell participated in involved discussions about investigating  
15 election fraud, like a conspiracy or a RICO case like you had discussed earlier?

16          A    I wasn't -- I wasn't there, so I don't know. And nobody debriefed me, to my  
17 recollection.

18          Q    Okay. So you have mentioned a few times now this idea of there being  
19 legal challenges to a campaign, PR efforts associated with that, as well as political  
20 strategies. Can you, Mr. Lyons, just -- when you say political strategies, can you just in  
21 your own words define what you mean by that?

22          A    Sure. What I mean by that is that there's a reason why political actors are  
23 involved in certifying elections and not -- and people who are elected by citizens certify  
24 elections, and that's because they put their political accountability on the line when they  
25 do that.

1           And if there's a tainted election or an election that's -- in their mind rises -- and  
2           each -- in my mind, each individual elector -- or sorry -- each individual legislator decides  
3           for themselves what their burden of proof is as they certify an election, and then they're  
4           held accountable for that vote or that certification by the people who elected them.

5           And so there's courts, and they have their burdens of proof and their standards  
6           and their legitimacy as they make rulings, and then there are political actors involved in  
7           the process as well. And I guess that's what I mean by political strategy.

8           Q     Okay.

9           A     And I don't know what other people mean by political strategy, but that's, I  
10          guess, what I would think about.

11          Q     And that's great. That's really helpful, Mr. Lyons, because we're talking  
12          about it here, and you had mentioned the term a few times here. So, of course, I won't  
13          attribute that necessarily to anybody else, but just as the way we're discussing it today.

14          A     I guess if I could expand on it just a bit.

15          Q     Of course.

16          A     The political and the PR sort of blend as well. I wouldn't say that political  
17          strategy doesn't also involve efforts to secure public opinion on your side as well.

18          Q     Okay. And you mentioned a couple of times, I think -- but correct me if I'm  
19          wrong, please -- that the post-election effort related to the November 2020 election with  
20          respect to Mr. Trump and his campaign involved all of those, the legislative, PR, and  
21          political aspects.

22          Is that right?

23          A     I think so.

24          Q     Okay. And so was it your understanding, as you just explained, that part of  
25          the strategy then involved maybe lobbying or trying to convince State actors, political

1 actors, to exercise the authority that they have as political actors to take some action  
2 with respect to the election, meaning certification or electoral college electors, or  
3 otherwise?

4 A So with respect to that, what I'll say is that I wasn't a party to and not aware  
5 of any specific conversations in that direction. Of course, I saw reports -- and the same  
6 reports you have probably seen -- about that.

7 And what I would also say is that, as we were discussing it, as the discussions that  
8 I'm aware of happened and the discussion referenced at the campaign headquarters, it  
9 was part of this idea that, as you build a case of election irregularities in any particular  
10 State, you would want -- you would be speaking to different audiences. You would be  
11 speaking to a court audience, you're speaking to a public office, you're speaking to a  
12 political office; and that part of the -- and so as you assemble whatever allegations you  
13 can that you find credible and put forth to make your case, there is a political component  
14 to that as well because of the role that the political actors play both as a structural and  
15 formal matter, but also in their role as people with the ability to speak from a platform to  
16 the public.

17 Q Okay.

18 With respect to this political aspect -- and I do want to go back. We'll talk about  
19 it more broadly. But going back to that meeting at campaign headquarters, was  
20 Congress ever a topic of discussion about one of the political entities that may have a role  
21 in the post-election period during that meeting at headquarters specifically?

22 A No, not to my recollection.

23 Q And did January 6th ever come up during that meeting at campaign  
24 headquarters talking about post-election challenges?

25 A No, not to my recollection.



1           Q    Okay. What about more broadly? I mean, were there discussions where  
2 Congress was mentioned as one of the political entities that would have to be -- or that  
3 could be a part of a post-election challenge, that you're aware of?

4           A    No, not to my recollection. There was discussion about Congressmen  
5 and -women, Representatives and Senators, forming part of the political support that  
6 would bolster any challenges.

7           But Congress in its role didn't come up. The only time I remember having any  
8 discussion about Congress would have been in connection with -- and I think we discussed  
9 this last time -- but in connection with a tie electoral college vote, which Congress would  
10 then do the procedure where they vote by State delegation, and how that  
11 would -- because would it be the last Congress from 2020 or would it be the new  
12 Congress taking place in 2021, and what do those delegations look like?

13           I remember, like, talking to people, like, as an academic matter about that. I  
14 don't have any recollection about talking about Congress as a certifier of the election  
15 after the election.

16           Yeah, it was mostly, if not exclusively, focused on courts, specific challenges to  
17 specific elections in specific States, and the legislatures' role in certifying those results.

18           Q    I see.

19           And the PR aspects, it sounds like it's maybe combined with some of the others.  
20 Were there discussions that you're aware of where anybody expressed the view that you  
21 had to get the public behind the idea that the election had been affected by fraud or  
22 malfeasance as part of this challenge to the election strategy more broadly?

23           A    Had to?

24           Q    Or was it an important part of maybe?

25           A    Sure. I think at that meeting that we've been describing at campaign

1       headquarters, it was discussed, and maybe other times as well. I mean, if you file a  
2       case, if nobody is paying any attention to it, it doesn't get any coverage, it's very easily  
3       sort of -- it can be handled quick. It's just public relations is part of litigation strategy,  
4       and it's an important part in a lot of respects, and I think people are aware of that.

5               Q     And the public relations strategy for this specifically was the messages of  
6       fraud and irregularities that occurred in the election. Is that right?

7               A     I mean, it would have been building the case of irregularities with the count,  
8       with the vote, fraud, you know, allegations of fraud that you could make.

9               Q     And you mentioned the PR strategy was also part of -- or tied into maybe the  
10      political strategy, at least as you understood it, in that post-election period. Is that  
11      right?

12              A     In my mind, I just didn't feel personally that anything as big as a challenge, a  
13      post-election day challenge to a Presidential election, could even be -- like you could even  
14      imagine it to be successful unless you had all three of those components.

15              Q     Do you know if Mr. Giuliani and Ms. Powell in that meeting at campaign  
16      headquarters in the days after the election shared the view about the importance of the  
17      PR component of the strategy and messaging to the public this idea of the conspiracy?

18              A     I don't have personal knowledge of that in terms of what they were actually  
19      thinking, but my knowledge of what they did and my view of what they did after reflects a  
20      view that messaging to the public was important given the number of press conferences  
21      they held.

22              Q     And that actually gets into one of the other things I want to talk about.

23                     In the late November, early December timeframe, there were a number of  
24      legislative purported hearings in States around the country, some of which occurred in  
25      hotel ballrooms and that may not have been official legislature business.

1 Do you know the hearings that I'm talking about?

2 A I know generally what you're talking about. I don't have a list of all of them  
3 that occurred.

4 Q Yeah.

5 A But I think we're on the same page.

6 Q Okay. Sure.

7 And I understand at least some of them Mr. Giuliani testified, along with other  
8 people, and presented some of the evidence that he said he had obtained by that point,  
9 and I believe they occurred in States including Michigan, Georgia, and Pennsylvania.

10 What was your understanding of the purpose of those hearings that Mr. Giuliani  
11 participated in?

12 A Nobody ever told me what the purpose was, to my recollection, so I didn't  
13 pay -- I didn't watch them with any -- I mean, I saw them on TV occasionally, but I  
14 couldn't -- I don't know what the purpose was. I don't know what he thought the  
15 purpose was. He didn't tell me. I can only -- yeah.

16 Q Did he, in the meeting that you had at campaign headquarters with him and  
17 Ms. Powell, did he talk about the idea of having hearings before State legislatures?

18 A Not that I recall. I don't think so.

19 Q All right. What else, if anything, did Mr. Giuliani say during that meeting at  
20 campaign headquarters in the days after the election?

21 A I think at this point I've given you my full recollection of that.

22 Q Okay.

23 Bear with me just a moment, Mr. Lyons.

24 A You know, if we're moving on to a different topic, maybe it's a time to break  
25 for lunch. I don't want to interrupt your flow, so if you want to move -- if you're moving

1 on to another topic, maybe break. If not, maybe we can finish this line.

2 Q Let me ask you one thing, if that's okay. It's related to this line.

3 Were you involved in any other meetings with Mr. Giuliani or Ms. Powell or  
4 others, besides the December 18th meeting, where this issue of election challenges came  
5 up?

6 A I don't have any recollection of any more meetings with them. I do have  
7 recollection of maybe seeing Mr. Giuliani around campaign headquarters, although I  
8 really couldn't say because I know that sort of after that day he -- well, I don't know, but I  
9 think after that day he went to -- maybe he went to Pennsylvania. I don't know if he  
10 came back. I have some recollection of seeing him. I don't have any recollection of  
11 talking to him really after that. I don't have any recollection of being in any meetings  
12 with him after that or on any phone calls with him after that.

13 And as to Ms. Powell, I think the only two times I ever saw her in person were at  
14 the campaign headquarters, which we've been discussing, December 18th, which we  
15 discussed and I assume may discuss some more.

16 Q Right.

17 A And no phone calls that I can recall. So to the best of my recollection, the  
18 answer to your question is no.

19 Q Okay. And I think just a couple of brief follow-ups on this topic, and then I  
20 do think it would be an appropriate place to break for lunch.

21 There's reports, all public, that in this post-election timeframe the President  
22 invited various State and local officials to the White House, including officials from  
23 Michigan and Pennsylvania, and had calls with other officials who didn't show up at the  
24 White House.

25 What's your understanding of the purpose of those meetings and outreach to the

1 State and local officials?

2 A I wasn't in those meetings, to the best of my recollection. And, you know,  
3 like, I don't think that my speculation about the purpose would be any more informed  
4 than yours.

5 Q Okay. But did you ever hear about the reason why, for example, the  
6 Speaker of the Michigan House of Representatives was coming to the White House?

7 A No. I mean, nobody told me, to the best of my recollection, about any  
8 purpose for that. I think it would relate to what we've been talking about, which is  
9 political and public relations support.

10 Q And do you know that, or are you just assuming that it would relate to that?

11 A Just assuming.

12 [REDACTED] Okay. I'll see if my colleague has any questions.

13

BY [REDACTED]

14 Q Mr. Lyons, for the media campaign headquarters that we've been discussing  
15 in the days after election day, did you have a sense of who was in charge or running the  
16 Trump campaign's legal apparatus at that point in time?

17 A Matt Morgan was the general counsel of the campaign.

18 Q Did you ever have any understanding as to why Mr. Giuliani and Ms. Powell  
19 were there and what role they would be playing or they were playing at that point in  
20 time?

21 A They were unofficial roles, you know, third parties, that were affiliated as -- I  
22 don't know -- maybe surrogates is the right word, volunteering their time.

23 Q So your understanding is, at that point in time, for Mr. Giuliani and  
24 Ms. Powell, they didn't have official campaign -- Trump campaign-related roles?

25 A That's my understanding, but I don't know where the line between an official

1 campaign starts and stops.

2 Q Do you recall anyone during that meeting saying anything about what they  
3 thought President Trump would want with respect to the legal, political, or PR strategies?

4 A I don't.

5 Q And just to confirm, this -- is it your understanding this meeting occurred  
6 before, if you recall, November 7th when various news outlets projected that Joe Biden  
7 had won the 2020 election?

8 A If we're both talking about the same news outlets, my recollection would  
9 have been it happened before that, but -- so my recollection is that the election night was  
10 Tuesday. Sometime over the weekend, Sunday maybe --

11 Q I think it was Saturday, but yeah.

12 A Okay. So it would have been sometime during that week.

13 Q And I believe [REDACTED] may have asked this, but just to confirm, you  
14 don't -- is it right that you don't recall the voting machines being discussed during this  
15 meeting and how they might have effectuated the conspiracy or the fraud with respect to  
16 the election and what Mr. Giuliani and Ms. Powell were saying?

17 A I don't have any specific recollection of that, but I couldn't -- I can't exclude  
18 it. But I don't have any specific recollection.

19 Q And I know you mentioned that you recall generally, like, maybe Democrats  
20 being the conspirators.

21 Do you remember any specific names being thrown around in that meeting with  
22 respect to who could have been part of the conspiracy?

23 A I don't.

24 [REDACTED]: Okay. I'll see if anybody on the Webex has any questions.

25 Doesn't sound like it. So why don't we go off the record.

1 [Recess.]

2 [REDACTED] Then let's go back on the record.

3 It's 1:31, and we are resuming the transcribed interview of Mr. Derek Lyons.

4 Grant, if you're on -- I should have checked with that beforehand -- but if you  
5 could pull up exhibit No. 7, please.

6 Thank you, [REDACTED]

7 BY [REDACTED]:

8 Q All right. Mr. Lyons, can you see exhibit No. 7, which is an email dated  
9 December the 5th?

10 A I can.

11 Q Perfect.

12 This is a December 5th, 2020, email from you at your White House address to Mr.  
13 Scavino and Mr. Jason Miller, subject being "Election Anomalies," with the attachment's a  
14 document titled the same thing, "Election Anomalies."

15 If you could go to exhibit 7a, please. That is the attachment to the email titled  
16 "Election Anomalies." And then it has a list of seven anomalies.

17 And, Grant, if you could scroll down just a bit.

18 Perfect.

19 All right. Mr. Lyons, do you recognize this December 5th email and attachment?

20 A Yeah, it rings some bells.

21 Q Okay. What do you remember about it?

22 A Well, based on the date -- I guess I don't specifically remember anything  
23 about it, but based on the date and the cover note and the topic, it appears to me to be a  
24 document that I sent describing -- it has an attachment -- I don't believe I created this  
25 document, this attachment -- describing certain features of the outcome of the 2020

1 election that are -- that were unusual.

2 Q Who do you think created this document, the attachment?

3 A I don't know. I don't know.

4 Q Do you remember why you were sending it along to Mr. Scavino and Mr.  
5 Miller?

6 A I don't have a specific recollection, but based on the date, my guess is  
7 something to do in connection with the speech in Georgia.

8 Q I know you -- I think you said you didn't remember who created this  
9 attachment, the "Election Anomalies" attachment.

10 Do you know where you got it from, even if you don't know who created it?

11 A No, I don't. I'm sorry.

12 Q Okay. All right. So before we move away from this, one of the people on  
13 this email is Dan Scavino. I know you've mentioned him in the past.

14 What was his role in the White House as you understood it?

15 A Dan was a person who had a great deal of access to the President based on  
16 their history of dealings, both before the 2016 campaign, through the 2016 campaign.  
17 And he was in charge of digital operations at the White House, Twitter, Facebook,  
18 Instagram, those types of things.

19 Q Okay. So was one of his roles, as you understood at least, to -- I don't know  
20 if monitor is the right word, but monitor social media and can speak for the President on  
21 social media platforms?

22 A Monitor, yes. I don't think anybody spoke for the President on social media  
23 platforms. I think he facilitated the President's ability to speak on social media  
24 platforms.

25 Q Understood. And, yeah, to be clear, there's, I should note, a distinction



1       between whatever Mr. Scavino had in a personal capacity and the accounts that he may  
2       have helped run or post from, like the President's Twitter account.   So very much  
3       understood.

4               Do you know, along those social media lines, do you know if anybody in the White  
5       House, yourself included, or Mr. Scavino or others, were aware of some of the social  
6       media sites or message boards that were really dedicated to Mr. Trump?   And one in  
7       particular that I mentioned came up on Reddit, and it was called The Donald.   Do you  
8       know if anybody, including Mr. Scavino, was familiar with that?

9               A     I had heard him mention it.   I don't remember a lot of people talking about  
10       Reddit.

11              Q     Okay.   What do you remember Mr. Scavino saying, either specifically or just  
12       generally, about that?

13              A     Not much, to be honest with you.   Just that it was a place online where -- I  
14       think my recollection is a place online where people supportive of the President were  
15       active.

16              Q     Okay.   And do you remember him or anybody else mentioning a similar  
17       site -- it's actually where the Reddit site, my understanding, went to.   It's called  
18       TheDonald.win.

19              Do you remember hearing about that?

20              A     I don't.

21              Q     What about Jason Miller, others in the campaign, so outside of the White  
22       House now, do you remember them ever mentioning any of these social media sites or  
23       message boards devoted to the President, like the Reddit site, The Donald, or  
24       TheDonald.win?

25              A     No.   I don't remember a lot of people talking about Reddit.

1 Q Okay.

2 A Yeah.

3 Q On December 7th -- I'm sorry. The exhibit's down now. I'll start over.

4 On December 7th, Texas filed a lawsuit in the Supreme Court against Pennsylvania  
5 related to challenging the outcome of the 2020 Presidential election.

6 Do you remember anybody discussing this lawsuit before it was filed, in the White  
7 House or in the campaign?

8 A I want to say yes, because I feel like I knew -- or I feel like I had some  
9 understanding that there would be a lawsuit filed like that.

10 I think there was discussion of -- and I think we may have spoken about this  
11 before -- the President's desire to get a case before the Supreme Court, discussion about  
12 normal litigation proceeds from the district court to the court of appeals to the Supreme  
13 Court. Maybe sometimes you skip the district court and like -- to get straight to the  
14 Supreme Court is challenging. So there was discussion of original jurisdiction that I  
15 recall, State versus State being one of those means to secure original jurisdiction.

16 I don't -- I really don't know -- I really don't have any recollection of the specifics of  
17 those conversations.

18 Q Okay.

19 A But I recall them generally.

20 Q And this lawsuit was obviously filed by a State, not the Federal Government  
21 or Mr. Trump in his capacity as a candidate.

22 Do you know whether the President spoke with Mr. Paxton or others in Texas and  
23 encouraged them to file this lawsuit?

24 A I don't know. I don't know --

25 Q Did you hear anything about that?

1           A    Not about that specifically. I do know he spoke to Mr. Paxton quite a lot  
2           generally over the course of the administration. I don't know anything about any  
3           specific phone call regarding this case.

4           Q    Do you know if he ever spoke to Mr. Paxton -- "he" being the  
5           President -- Mr. Paxton about -- or excuse me -- in the post-election period, so between  
6           November and the time you left the White House in December?

7           A    I think -- again, I don't -- you guys can help me with my memory here. But  
8           at some point I think there was a meeting of State officials at the White House. I believe  
9           Ken Paxton was there, so I suspect they did speak, but I don't know for sure.

10          Q    Okay. Yeah, and we'll get to that meeting in just a second.

11               Now, one of the things that happened in that lawsuit is that, after it was filed, I  
12           think the day or so after, approximately 16 State attorneys general signed on to  
13           effectively an amicus brief or a brief in support of the lawsuit.

14               Are you aware of anybody in the White House or from the campaign reaching out  
15           to State attorneys general to get them to sign on in support of that lawsuit?

16          A    I don't think so. I don't think I remember anything like that.

17          Q    Okay. You don't remember hearing anything about an effort to make sure  
18           State attorneys general sign on to the lawsuit?

19          A    I don't have any recollection of it being -- of hearing anything like that.

20          Q    All right. And then --

21          A    I remember hearing that they did. I mean, I saw the filing. But I don't  
22           remember conversations about building that coalition.

23          Q    There's a similar filing that approximately -- or over 120 Members of  
24           Congress signed on to in support of the lawsuit as well. Are you aware of any efforts by  
25           anybody in the White House or the campaign to encourage Members of Congress to sign

1 on to Texas v. Pennsylvania?

2 A Yeah, same answer.

3 Q And did you see that State attorneys general and Members of Congress  
4 ultimately signed on with the documents in your role at the White House or helping the  
5 campaign, or was this just after the fact?

6 A I never saw the documents, like, pre-filing.

7 Q Okay.

8 A To the best of my recollection, the only -- I saw them on the internet.

9 Q So I understand that some people in the White House viewed Texas v.  
10 Pennsylvania essentially as a last-chance effort for the campaign to succeed, and then if it  
11 didn't succeed, it would be time to acknowledge that Mr. Trump had lost.

12 Is that understanding, is that accurate, to the best of your knowledge?

13 A I never had any conversations explicitly to that effect, to my knowledge.  
14 But, in my mind, my personal belief was that once you got the Supreme Court -- in my  
15 mind, the Supreme Court case resolution would sort of run out the clock -- well, not run  
16 out the clock.

17 But that would be the last of it because, I can't remember the timing, but by  
18 sometime in mid-December the States certified their election, that the slates would be  
19 certified and sent, you would know what they were, and it's not -- you don't have to wait  
20 for Congress to, like, open it up for the big reveal. The slates would be certified and  
21 sent. The Supreme Court would have said whatever it was going to say. And to me  
22 that was sort of -- that felt like the end.

1

2 [1:43 p.m.]

3

BY [REDACTED]

4

Q Are you aware of anybody else in the White House who shared that view?

5

6

A I really can only speculate. I don't know how -- I don't know what other people thought about the case or the end, or I couldn't say.

7

8

9

Q Okay. And just to ask it slightly differently, did you have any conversations with anybody about Texas v. Pennsylvania really being the last real option for the President?

10

A Not that I recall.

11

12

Q The Supreme Court rejected the case, to the best of my knowledge, on or about December the 11th.

13

14

Were you involved in any discussions or meetings with anybody about the fact that the Supreme Court had rejected it and kind of what to do next, if anything?

15

A I was.

16

Q Could you tell us about that?

17

18

19

A Sure. I believe the Supreme Court issued its order in the case at some point in the evening of the day that you mentioned. I happened to be standing outside the Oval Office to inform the President of my resignation at that time.

20

21

22

23

The order came in. I -- well, I don't know if I printed it out, but I may have. Somebody printed it out. I took him a copy. And, you know, we read it together. He asked me -- there was some -- I can't remember it now, but there was some language -- the order wasn't -- it was brief, but it had some number of sentences in it.

24

25

He had some questions about the sentences. At that point I think a few others had joined, Pat, maybe Eric. There was discussion about the meaning of the order.

1           And then, I don't know how long it lasted, I don't remember any discussions about  
2   next steps or anything to follow.   It was in the evening.   I remember the President  
3   retired to the residence.   And I remember feeling like that was it, that everything had  
4   run its course.

5           Q    What was the President's mood like when you had this discussion about this  
6   case and the order?

7           A    He was disappointed.

8           Q    Did he acknowledge that it might be the end of the road for the campaign at  
9   that point?

10          A    I don't have any specific recollection of anything he said.   I just remember  
11   that he seemed disappointed.

12          Q    Did anybody during that meeting encourage or tell the President that this is  
13   now really the end of the road, there's nothing left to do, or something along those lines?

14          A    It's possible.   I just kind of remember the mood, the mood being that the  
15   Supreme Court had looked at the case -- or looked at a case -- decided not to take it up.

16          At the time, there wasn't -- there didn't appear to be any litigation vehicles on the  
17   horizon.   The allegations of, as we discussed earlier today, the allegations of  
18   improprieties, fraud, et cetera, hadn't been substantiated to a point where they -- where  
19   much could be made of them.

20          Nothing seemed to be moving in his direction.   So the mood I think was generally  
21   something approximating disappointment, lack of further options.   But I can't recall  
22   anybody -- I honestly don't remember any words that were said beyond what I've  
23   described, which was that the meaning of the order was discussed.

24          Q    Okay.   And just to see if this refreshes any recollection, this was  
25   approximately 3 days before the electoral college was set to meet and cast electoral

1 votes in the various States.

2 Did that come up during this meeting as the next step along the election path, so  
3 to speak?

4 A I don't recall it coming up, but thanks for refreshing my recollection. I  
5 guess it wasn't the certification, it was the meeting of the electoral college.

6 All I remember is that I had personally sort of, like, marked that as an ending date  
7 connected to my decision that I had made by that point to resign and move on to another  
8 position.

9 Q Okay. All right. If we could pull up exhibit No. 8, please.

10 This is an email from Tony Dolan, "ardolan" followed by the email address, to  
11 Jason Miller, copying Stephen Miller, Vince Haley, Ross Worthington, Hope Hicks, you,  
12 and Mr. McEntee. It's dated December the 9th. And the subject line is, "Re: What's  
13 needed -- kinda simple."

14 Can you see the exhibit that we just pulled up?

15 A I can.

16 Q Earlier you had mentioned Tony Dolan as somebody working in the  
17 speechwriters office. Is that right?

18 A That's right.

19 Q Do you know why you were included on this email? Well, let me back up.

20 Do you remember this email?

21 A I don't have any strong recollections of it, but it does look like something I  
22 received.

23 Q Okay. Was it common for you to receive emails from Mr. Dolan on  
24 personal accounts? To be clear, I don't know whether you received this on a personal  
25 account or your White House account.

1           A    I don't either. It was not common for me to receive emails from Tony at  
2 any time during the course of my tenure at the White House. I did receive some, but it  
3 wasn't common.

4           Q    So do you know why he would've included you on this? And just generally,  
5 this talks about digital advertising and needing to put certain ads on various networks.

6           A    Yeah. As with most of my statements here, I don't know why other people  
7 do things. But I have some informed beliefs about why he included me, and so I'll offer  
8 those, if that is satisfactory.

9           Q    Sure. Yeah. What's your understanding?

10          A    So I don't know that -- I think this email included an attachment, would be  
11 my guess. I don't know if you have that or if it specifies that or if somewhere in the  
12 chain it references it.

13                But during the campaign Tony -- Tony, my understanding is, he's made his career  
14 in different ways, including speechwriting in the Reagan administration, political  
15 consulting thereafter.

16                And at some point during the campaign he created a document that outlined a  
17 messaging strategy and a policy strategy that he thought the campaign should take. I  
18 feel like he felt like the campaign was not necessarily pursuing the right strategy to win  
19 the election.

20                And so he took it on himself, I think. I don't know when. But he developed a  
21 document that outlined, I guess, a political strategy, messaging strategy, and he delivered  
22 that document to me at some point before the election. Probably, if I had to speculate,  
23 October timeframe, could have been earlier, but probably sometime in October.

24                And he delivered it to me, I think, because -- I don't know, maybe he had some  
25 respect for me, but also because he thought I might deliver it to the President, who might



1       then use it to change the direction of his campaign.

2               I didn't deliver it to the President. I had several conversations with Tony about  
3       it. I thought some of the ideas in there were very -- were interesting.

4               I encouraged him to share it with other people who might have some more  
5       influence over the campaign and the President than I have or had.

6               And my guess is that that document was attached to this email, because  
7       the content of that document really didn't have anything to do with fraud or  
8       irregularities, it had a lot to do with attacking the media for bad coverage of Republicans  
9       and favorable coverage of Democrats and really emphasizing some of Trump -- what he  
10      considered some of Trump's strong personality characteristics, his leadership style, some  
11      different accomplishments, and an agenda for the future.

12              I think by this time in December, my guess is -- again, I hesitate to speculate, but  
13      based on the document I think was attached, I think he just wanted people to have it  
14      because he thought that it had sort of evergreen ideas that could garner public support  
15      for the President.

16              Q     Okay. That's very helpful. I appreciate understanding that background.

17              And, [REDACTED] if you can scroll down just a little bit in this email that we're looking at,  
18      exhibit No. 8.

19              It says, originally at 10:45 a.m., Mr. Dolan wrote, "A national ad campaign and,  
20      yes, broadcast, not just digital, and, yes, spend some major money. Broadcast has an  
21      impact the others don't. Let the networks turn it down. Run it in local markets, some  
22      of whom will run it. In any case, the controversy will get the message out."

23              So in this context of this email, what's your understanding of, "Let the networks  
24      turn it down," if any?

25              A     Well, it's interesting. So now I'm looking at this part of the email. Was

1       there an attachment or did that just describe an attachment that didn't exist?

2               Q     So I'll represent to you that we don't have the attachment that you just  
3       described.   That's not to say that it may not have come somewhere along a chain, but I  
4       don't have it here.

5               A     Okay.   So I think my answer still stands for why he included me, because he  
6       and I, like I said, had been talking about that document and about the news element of  
7       the campaign -- of his desire for a campaign.   I mean, he felt, I believe, that certain news  
8       networks were blacking out favorable news for Republicans and the President and  
9       carrying favorable news for Democrats, et cetera.

10              So in that context, I guess, "Let the networks turn it down," means that you can  
11     submit this stuff.   These ads are really attacking the news media as media maybe.   And  
12     reading further, maybe they'd have these major -- unless the major concerns for fraud  
13     and the countless irregularities, maybe they wouldn't publish it because it wouldn't meet  
14     their -- whatever their fact-checking.   Well, they would probably say what their  
15     fact-checking standards are or were.

16              But that some would carry it, some wouldn't carry it, controversy drives message,  
17     and it would be a way to, I guess, break through -- to break through in the media about  
18     what maybe he believed was the case for election irregularities.

19              Q     Okay.   And I want to ask you about a specific part of what you just  
20     mentioned.

21              Are you aware of anybody in the White House or the campaign who took the  
22     position that pushing out ads about fraud that may not have sufficient factual support  
23     and that a network might turn down was a good idea and that they should -- the  
24     campaign or the candidate should do that?

25              A     I'm not aware of that.   I mean, I don't think this email went anywhere.

1 Q Bear with me just a moment, Mr. Lyons.

2 Were you aware, in fact, that networks had rejected some of Mr. Trump's ads or  
3 the campaign's ads because they didn't meet fact-checking standard?

4 A Are you talking about during the election -- or, sorry, during the campaign or  
5 after election day or both?

6 Q Particularly post-election, so after November 3rd.

7 A I don't have any recollection of that after the election. I have some  
8 recollection of concerns that Facebook might have not been carrying ads during the  
9 election, maybe YouTube. I'm not sure. But I don't have any recollection about after  
10 the election.

11 Q And do you recall any internal discussions about whether a particular ad  
12 might not meet network fact-checking standards, and if so, what happened in that  
13 discussion?

14 A I'm not aware of any discussion like that, to my recollection.

15 Q And forgive me, before we took a lunch break one of the things we were  
16 talking about is conversations or meetings in which there was talk about challenging the  
17 election and different ways to do so.

18 Do you recall January 6th and the joint session of Congress ever coming up in any  
19 of those meetings about challenging the election?

20 A I don't. I don't have any recollection of that.

21 Q How about outside of the meeting context in any discussions, did  
22 January 6th come up as one point at which the campaign or Mr. Trump could affect the  
23 outcome of the election?

24 A I don't. And one of the reasons I don't is because, like I said, maybe rightly  
25 or wrongly, but I had set in my mind the electoral college date as the date by which

1       this -- if anything was going to happen, it would happen by that date.

2               And it was a pretty firm -- that's a pretty firm recollection for me because at some  
3       point in November, late November, I had entered into conversations, preliminary  
4       conversations with a potential employer, and I wanted to -- I didn't want my resignation  
5       to be seized on by anybody in the media as sort of evidence of senior White House staff  
6       leaving for whatever reasons the media might make up about the election.

7               I wanted to sort of leave on my own terms.   And so it was a question of timing.  
8       And in my mind, I really thought that by the time the electoral college had voted that  
9       would be the end of things.

10              And so after -- I can't recall which date it was, December 14th or 17th, whatever it  
11      was -- that was sort of how I -- that was how things were working in my mind.

12              And so, you know, when -- I think it was December 11th, I informed him.   You  
13      know, that gave me time to line up affairs a little bit and leave and start the next part of  
14      my career.

15              Q     Understood.   And that timeframe is certainly helpful.   And not to cabin it  
16      to discussions that would've occurred necessarily later, but at any point after -- or even  
17      before the election, quite frankly -- were you aware of a theory that was being explored  
18      by the White House and Trump campaign that on January 6th the Vice President,  
19      meaning Vice President Pence, had the authority to choose certain electoral votes to  
20      count or not count during the joint session of Congress?

21              A     No.   I think I first became -- my recollection is that I first became aware of  
22      anything like that through the news media whenever it was first reported.

23              Q     Okay.   And even if not that specific authority, were you aware of any  
24      discussions, whether you participated in them or just heard about them, where the Vice  
25      President's authority on January 6th was discussed?

1           A     Same answer.

2           [REDACTED] All right. I'll pause there, see if anybody has any questions about  
3 what we just went over.

4           If not, I'll turn it over to my colleague for a while to talk about the December 18th  
5 meeting.

6           Mr. Lyons. Okay.

1

2

BY [REDACTED]:

3

4

5

Q So, Mr. Lyons, I know we've talked a bit about or mentioned the December 18th meeting at the White House involving Ms. Sidney Powell, I think yourself, and some others. Do you know what meeting I'm generally referring to?

6

A I do.

7

8

Q Okay. Can you walk us through, just from the -- starting at the beginning, when you first learned about this meeting?

9

10

A Sure. So December 18th was my last day at the White House. I had settled all my affairs. There was a small going away party.

11

12

13

14

I returned from that going away party and I was headed out the door. I got a phone call from, I believe, Molly Michael, but somebody in the outer Oval, asking me to come upstairs. So I did. I went up there. And that was the first time I had learned that any meeting was going on.

15

16

Q So from what you recall, when you received that phone call, were you in your office, was this to your office phone or your cell phone?

17

A Yes. Office phone.

18

19

20

21

Q Okay. Do you remember about what time? And not going to hold you to it. I know it was a while ago and you were on your way out the door mentally and physically. Do you have an approximate time that you got this call from someone in outer Oval?

22

A Early evening. I don't know. Early evening.

23

Q And do you remember what you were told in the phone call?

24

25

A Just that I was needed upstairs. "Can you come up?" I think it was probably, "Can you come up, can you come up to the Oval Office?" might have been the

1 words that were said.

2 Q Were you asked to bring anything with you or just go?

3 A Just go.

4 Q Do you remember if you were told who was in -- if anyone was in there

5 except, I guess, presumably the President?

6 A No. I mean, honestly, I kind of thought that he might just be saying his own

7 farewell.

8 Q So what did you do after you got off the phone with someone from outer

9 Oval?

10 A I went up to the Oval Office.

11 Q Okay. So just walk us through --

12 A I went up to the outer Oval Office, I guess is the right way to say it.

13 Q Okay. And then were you let into the Oval Office?

14 A I think when I got there, I asked what was going on. I was told there was a

15 meeting going on and that -- I really don't remember. But I think I was told that there

16 was some executive order under discussion and that my guess is that Molly had called me

17 because she knew I dealt with executive orders and she didn't know who else to call.

18 So I think I asked what the order under discussion was. I can't remember if they

19 had it or if I went in and was told what it was and came back. I don't know. I don't

20 remember. But, in any event, eventually I ended up with a printout of an executive

21 order from 2018.

22 Q Excuse me. Just to make sure I heard that right, did you say somehow you

23 ended up, like, physically with the executive order from 2018?

24 A Just a printout of it.

25 Q Okay. But you can't recall how you got it?

1           A    I don't know if somebody handed it to me or if I went into the Oval, found  
2   out what the order was, came out, print. I don't know. But eventually -- like the first  
3   thing that I remember is that we were discussing this executive order and I had a printout  
4   of it that I got from the printer in the outer Oval Office.

5           Q    When you were in outer Oval, do you remember who you saw?

6           A    Molly. Maybe Austin. Maybe Nick. Probably Nick.

7           Q    Did you --

8           A    That's all I remember.

9           Q    Okay. Do you remember seeing anyone else who had been, like, similarly  
10  called to go to the meeting at that point in outer Oval?

11          A    No. I mean, as I think I discussed with the committee last time we talked, I  
12  don't have any great recollection of the sequence of events at which people came to the  
13  meeting. I don't know if I -- I mean, I know that, and as I think I talked about last time,  
14  that Sidney Powell, Michael Flynn, Patrick Byrne, and Emily Newman were in the Oval  
15  with the President before I was.

16          I don't know that anybody else was, but also I don't know that anybody else  
17  wasn't. Eventually, I know that the people in there were the people I had just  
18  mentioned, myself, Eric Herschmann, Pat Cipollone. There may have been others in  
19  there. I don't know. I don't think so.

20          And then on the phone, eventually, through the course at various times, Mark  
21  Meadows, Matt Morgan, Rudy Giuliani, and anybody else your notes say I talked about  
22  last time. I just -- I would trust that memory, which is earlier more than my current  
23  memory.

24          Q    Do you remember Robert O'Brien being at the meeting?

25          A    I remember at one point he was on the phone.



1 Q With respect to the executive order that you recall discussing, do you  
2 remember what number it was?

3 A No.

4 Q Does 13848 sound familiar to you? It's from 2018.

5 A I can tell you, if you want to know the content of it, but I don't think -- I don't  
6 want to testify -- I don't know the numbers off the top of my head.

7 Q Sounds good.

8 So just walk us through. You went into the Oval Office. What do you  
9 remember? Was there a discussion going on? Were people waiting for you?

10 A I'm sorry. Is it [REDACTED]?

11 Q [REDACTED]

12 A Sorry. Sorry. You're breaking up, [REDACTED]. I'm sorry. The feed is  
13 breaking up.

14 Q Oh, I'm sorry.

15 A I'm having --

16 Q Can you hear me now?

17 A Yeah. We could give it a go. It's just -- it goes in and out and it gets blurry  
18 and choppy.

19 [REDACTED] Let me ask one thing.

20 Are the reporters having a hard time hearing as well?

21 Okay.

22 [Discussion off the record.]

23 [REDACTED] So back on the record. It's 2:16 p.m.

24 BY [REDACTED]

25 Q And just before we went off the record, I had asked Mr. Lyons if you could

1 just walk us through what you remember, what was happening in the Oval Office when  
2 you entered the room after being summoned by outer Oval on December 18th.

3 A Right. So I remember, again, like I said, that the topic of discussion seemed  
4 to immediately be this executive order from 2018. I think the topic of the executive  
5 order was foreign election interference. I believe it was an order under the IEEPA  
6 statute, International Emergency Economic something act.

7 And I recall that -- I was asked about this executive order. I don't recall who  
8 asked me about it. I mean, there was a lot of crosstalk. And I remember saying  
9 something to the effect of, "I don't know what you're talking about. I haven't read this  
10 order since 2018."

11 At which point I was -- at which point I recall Michael Flynn being sort of indignant  
12 that I hadn't read the order since 2018, because apparently it was all the hot topic all over  
13 the internet and Twitter in the context of the 2020 election and that is some form of  
14 incredibly bad staff work not to be up to speed on this 2018 executive order.

15 Q And so just to back up. For Mr. Flynn, did he mention any specific  
16 allegations, I guess, when he was mentioning this executive order?

17 A I don't recall, but the order was about foreign election interference, so the  
18 discussion was about whether there had been foreign interference in the 2020 election.  
19 I don't recall any specifics beyond that. I know that --

20 Q Okay.

21 A You know, I don't want to read things from, like, Sidney Powell's press  
22 conference where she's talking about Venezuelan interference or other people's  
23 statements about something to do in Italy into this meeting, because I don't have any  
24 specific recollection of which allegations were discussed.

25 But I recall that there's a predicate in the act that if the President finds that

1 foreigners have interfered in the election, he can block their property, like you could  
2 under any other sanction -- well, not any other sanctions order, but most -- a lot of  
3 sanctions orders.

4 And then the discussion -- there was a lot of discussion about whether any such  
5 evidence existed with the four people who were in the room before my arrival -- or, at  
6 least, the four -- and again, I think there may have been some other people in there  
7 possibly. But, anyway, the four outsiders in the room claiming to have ample evidence  
8 to support the finding, and others, including myself, disputing that.

9 And then there was discussion of, "Well, we don't have it now, but we will have  
10 it," or whatever. But I couldn't tell you the specific allegations of foreign interference.  
11 I mean, they weren't that important to me. They weren't that important to me because  
12 it didn't really matter what they were. There didn't seem to be any evidence of any of  
13 them.

14 Q And I understand you might not remember specifics. I'll just throw out a  
15 few just to see if it jogs your memory.

16 So you don't recall Mr. Flynn -- or I'll say General Flynn -- Ms. Powell, Ms.  
17 Newman, or Mr. Byrne giving any specifics to China interfered or Venezuela, Iran, I've  
18 heard Spain thrown around, Serbia, Italy, you don't recall any specific countries that they  
19 claimed interfered in the 2020 election?

20 A I couldn't exclude any of that, but I couldn't -- I can't specifically include it.  
21 If your notes reflect I said something different last time, I'm happy to have you refresh my  
22 memory, but I don't at this time, can't recall any specific allegation, just that there was a  
23 lot of them, and the general thrust of it was there's no evidence for any of them.

24 Q And I think you mentioned also that they might've said that they  
25 might -- that they will have evidence. Do you remember them saying that they didn't

1 have evidence there, but they will get evidence about foreign interference?

2 A Yeah, not necessarily that they would, like, go -- that they would sort of  
3 collect it, but that they would bring it soon, or if they didn't have it physically present in  
4 the office, like, they had it somewhere.

5 Q Do you recall if they had any documents with them at that meeting?

6 A They definitely had documents. Some of them, at least, had documents,  
7 because I recall Ms. Powell had, I believe, read well.

8 And in any event, at least at a later stage in the meeting, she produced some form  
9 of affidavit that purported to be evidence of foreign interference. And I recall that I  
10 looked at the affidavit and relatively quickly found the key sort of allegations or  
11 statements of fact in there and it didn't really support what she was claiming it  
12 supported. And I remember saying as much.

13 Q Do you recall if that affidavit was from someone who claimed to be from  
14 Venezuela, although the affidavit might have been in English?

15 A The affidavit was definitely in English because --

16 Q You could --

17 A -- I can understand Spanish a little bit, but not enough to engage in any  
18 sophisticated analysis.

19 I have no idea who the affiant were or the -- I don't know even know if it was an  
20 affidavit. Could have been a declaration. I have no idea who was the purported  
21 witness at this time. I don't recall them being foreign, but I don't know.

22 Q And you -- did you say you reviewed it and you didn't think that what the  
23 affidavit or declaration said didn't exactly match what Ms. Powell and the others were  
24 claiming it did?

25 A Yeah, if memory serves -- sorry to overspeak.

1 Q Go ahead.

2 A Okay. If memory serves, I think it had something to do with computers.  
3 And I think at the key point all it really said was that, like, certain machines, voting  
4 machines, could be susceptible to outside tampering. But of course my point, I think, if  
5 my memory serves, was that potential susceptibility is not proof of actual compromise.

6 Q Do you recall anything that Ms. Powell said about this affidavit, such as  
7 where she found this witness or this whistleblower, or if she'd filed this affidavit in any  
8 litigation?

9 A No, I don't.

10 Q And just going back to the participants in the meeting, you had mentioned  
11 someone named Emily Newman. Did you know Ms. Newman before this meeting?  
12 Had you met her before, to your recollection?

13 A It's possible our paths crossed because my understanding is that she worked  
14 at the White House at some point. But so far as I remember, in that meeting and to this  
15 day I think that was the first time I had ever seen or spoken to her in any capacity. I  
16 didn't know -- in fact, I didn't know who she was at the meeting. I had to sort of find out  
17 later.

18 Q Was that the first meeting that you had participated in that involved General  
19 Flynn about the 2020 election?

20 A Yes.

21 Q And how about Mr. Byrne?

22 A Yes.

23 Q Okay.

24 A I did not know who Mr. Byrne was until -- so the meeting broke at one point,  
25 right, and reconvened. I think I discussed last time, I think it was during that

1 interregnum period that I figured out who the two people were other than Ms. Powell  
2 and Mr. Flynn.

3 Q So just to kind of walk through, at least, what's been reported about this  
4 meeting, you can tell me whether you remember that, or if you don't, that's completely  
5 fine.

6 It's been reported that Ms. Powell in the meeting talked specifically about the  
7 Dominion voting machines and how they might have been interfered with in the 2020  
8 election.

9 Do you remember anything about Dominion being mentioned in this meeting?

10 A Dominion was a topic of the meeting, I'm fairly confident.

11 Q And what do you remember about Dominion, if anything, specifically in the  
12 claims that might have been made in the meeting?

13 A I believe they were the claims that had been made either shortly before that  
14 meeting or thereafter about their having been compromised, that they weren't  
15 accurately reporting the results -- recording the results of the election, and that a forensic  
16 analysis of the right machines done by people who themselves weren't compromised or  
17 aiding and abetting -- well, aiding and abetting is not the right word, but let's call them  
18 neutral third parties -- would reveal, would show the compromise.

19 Q Who do you recall specifically mentioning the forensic analysis with respect  
20 to the Dominion machines?

21 A You know, it's going to be really -- I understand you'll ask them. I'll just say  
22 it's going to be really difficult for me to, like, separate speakers here between sort of the  
23 four in the room, as I've been calling them, and the other sort of either White House staff  
24 or campaign -- folks from the campaign.

25 So occasionally I'll be able to, but in this instance I don't know. Maybe all of

1       them, maybe a few of them. I couldn't tell you.

2               Q     Completely understood. So of maybe one of the four who might've said  
3       that or maybe all four, do you recall did they say that they wanted to -- the President to  
4       have the voting -- Dominion voting machines seized so that a forensic analysis could be  
5       done on them?

6               A     Yeah. That was sort of the gist of the reason why the executive order was  
7       being discussed. I believe the thesis was that certain language in the executive order  
8       provided the basis to seize election machines, you know, that there was grounds to  
9       believe they were compromised by foreign actors.

10              Not having the executive order in front of me at this point, I really couldn't say  
11       whether that was true or false, other than to say that as an academic matter it wouldn't  
12       be surprising that if there was credible evidence that a foreign nation had hacked our  
13       election systems that there might be some authority to look at those machines.

14              Q     From the best of your recollection, did you or anyone else in that meeting  
15       provide an opinion as to whether voting machines could be seized and forensically  
16       analyzed under that executive order in 2018?

17              A     As a general matter or in the specific context of the election?

18              Q     Well, we'll say it as a general matter, but then specifically for the 2020  
19       election.

20              A     Well, again, as a general matter, I think there was some discussion that if  
21       there was evidence of a certain quality there would be a national security justification for  
22       looking at voting machines and seeing if they had been compromised.

23              In the specific context of the election, nothing, at least it was the view of myself  
24       and it appeared to be the view of myself and Pat Cipollone and Eric Herschmann, Mark  
25       Meadows, that even if -- again, I don't have the order in front of me, so even if the order

1       could possibly allow such a thing, that no such evidence had been -- that the standard of  
2       proof had not been met in any arguable sense.

3               Q     Did you, Pat -- or you, Mr. Cipollone, Mr. Herschmann, or Mr. Meadows, to  
4       the best of your recollection, articulate that you didn't think that that standard of proof  
5       had been met to seize machines and have them forensically inspected under the 2018  
6       executive order in the context of the 2020 election?

7               A     That's right. I think that's consistent with what I said earlier about there  
8       was a lot of discussion about the lack of sufficient evidence of foreign interference.

9               Q     And what do you recall the response to that opinion in that -- in the meeting,  
10      if there was a response?

11              A     So as I said before, the other four were of a different opinion and felt they  
12      had either evidence in their possession at the time or, I don't know, back at their offices  
13      that was sufficient.

14              Sidney Powell, in particular, repeatedly promised that she would produce such  
15      evidence.

16              Q     To the best of your recollection, do you recall whether President Trump said  
17      anything in connection with this discussion about whether there was sufficient evidence  
18      to seize machines and have them forensically inspected pursuant to that 2018 executive  
19      order?

20              A     My recollection at the time was that -- or of that time -- is that he was  
21      playing the two sides off against each other. So they say this, what say you? Okay.  
22      You said this, now what do you say? So the conversation kind of, like, ran in not  
23      concentric circles, but circles that sort of followed the same general thrust.

24              And I don't recall him taking any firm positions, like siding with one side over the  
25      other, you know. One side was obviously offering a belief that provided some arguable



1 path to continue to contest the election and the other side was sort of shutting that  
2 down.

3 Q So you don't recall President Trump maybe siding with one side over the  
4 other, saying what Ms. Powell says is really compelling or what Mr. Lyons is saying I really  
5 don't think we can -- there's enough evidence for me to do what you're saying here, Ms.  
6 Powell and General Flynn?

7 A No. I mean, the conversation wouldn't have proceeded like that. You  
8 know, it would've -- it would've been, they say this, what do you say, that's interesting,  
9 what do you say, or what do you say in response? I mean, I'm not saying those are his  
10 quotes, but that would have been the general thrust of it.

11 There was also some discussion of, like, practical problems, like, even if you  
12 believe -- even if you side with them and you think their evidence is good, somebody,  
13 some human person is going to have to go do the seizing, and those people, they report  
14 to some other boss, like a Cabinet Secretary.

15 So I think DHS came up and it was sort of like, well, even if you think this evidence  
16 is sufficient, like, you've got to convince other people that it's sufficient too, and they're  
17 not going to go do it either on this record.

18 Q Was Mr. Ken Cuccinelli brought up in the context of this discussion with the  
19 machines? I believe he was at least an acting head at DHS at the time?

20 A Yeah. I think that's accurate to both, that he was the acting head at DHS  
21 and that, if I'm not mistaken, the order mentions the Department of Homeland Security,  
22 because of course they have a role in cybersecurity in securing election systems through  
23 maybe CISA, maybe some other components of DHS.

24 Q Do you remember anything more specifically with respect to Mr. Cuccinelli  
25 that was mentioned during this meeting, like, "We should give him a call, see what he

1 thinks," anything like that?

2 A I think Mark Meadows said he had spoken to him and that he didn't find it  
3 compelling.

4 Q So you recall Mr. Meadows represented that he had already talked to Mr.  
5 Cuccinelli about this possibility?

6 A That's my recollection.

7 Q And Mr. Cuccinelli had indicated that he didn't believe that either DHS had  
8 the authority or there wasn't sufficient evidence to seize the machines and inspect them?

9 A I'm not sure on what grounds he objected.

10 Q Do you recall whether the Department of -- excuse me.

11 A I just said maybe both, I don't know, or maybe some other grounds. I'm  
12 sorry. I just don't know what grounds he objected on.

13 Q Do you recall whether the Department of Defense was mentioned in the  
14 context of seizing machines, inspecting them during this meeting?

15 A I think, you know, sitting here right now, I think it was. If I said that during  
16 our last conversation, I'd be more certain of it, but I do think that it was.

17 Q And was it a similar conversation, like we should -- this is a potential agency  
18 that could seize and inspect the machines?

19 A Yeah. Yes, that would have been the context.

20 My recollection is that even the proponents of the idea saw that military seizures  
21 were problematic for a variety of reasons and moved the conversation towards DHS.

22 I'd also say there was also a discussion of additional practical realities, such as  
23 when DHS shows up at a State facility where the machines were kept is the State going to  
24 let DHS officials in without some kind of court order?

25 Q Was there discussion of getting a court involved potentially --

1           A    There was.

2           Q    -- to effectuate seizing and inspecting?

3           A    There was discussion that without a court order such seizures would  
4   be -- any such seizures would be very challenging, both from a practical standpoint and as  
5   from a legal standpoint.  And that's why there was discussion of the litigation that Ms.  
6   Powell had engaged in to that point, all of which had failed.

7           Q    Okay.  And tell us more about the discussion of the litigation that Ms.  
8   Powell had engaged with that had failed, in your words.

9           A    Well, it was in the context -- my recollection is it was in the context of,  
10   "Okay, where's the evidence?"  And she repeatedly said, "I have evidence."  To  
11   which the response was, like, "Well, where is it?  And you've filed all these cases and it's  
12   not in those cases and you're losing all those cases.  So you have this great evidence  
13   that's going to result in a different outcome in the Presidential election, where is it?"

14           She couldn't really answer that question.  I mean, she -- she did answer it.  You  
15   know, she repeatedly just said she had it, that the judges in the cases had been -- you  
16   know, were all biased or worse, and that there was this evidence and anybody could see  
17   it.

18           And to the extent they couldn't, she'd produce more of it, you know.  If you said  
19   it's not enough, she just always said, "Well, I have more," but you never saw it.

20           Q    So it's been reported that you specifically told Ms. Powell that she brought  
21   60 cases and lost every one.  Is that about accurate of what happened in the meeting,  
22   do you recall?

23           A    Yeah.  I don't know if I said 60.  Maybe I did.  But I said something to that  
24   effect.

25           Q    It's also been reported that you pointed out some misspellings or typos in

1 her complaints. Is that accurate from what you can recall?

2 A Yes, that's accurate.

3 Q And did President Trump call those mistakes of Ms. Powell's in her  
4 complaints embarrassing?

5 A He did.

6 Q And did Ms. Powell also call all the judges who had looked at -- who her  
7 cases were before corrupt?

8 A So as I just said, "bias" certainly or worse. More than a year later, I don't  
9 know if she used the word "corrupt." I think she may have, but I don't know. I think  
10 so.

11 Q So we talked about Department of Defense being mentioned, as well as  
12 Department of Homeland Security, with respect to seizing and inspecting the machines.

13 Do you recall if the Department of Justice was mentioned as a possibility to seize  
14 the machines and inspect them?

15 A I don't. It's possible they were. I don't have a catalog of the agencies  
16 mentioned, but it's possible. I don't think -- I don't know. DHS for sure, DOD probably,  
17 and DOJ maybe.

18 Q In the course of the discussion on December 18th, do you recall anyone ever  
19 advocating or proposing President Trump declaring a national security emergency or  
20 martial law?

21 A Sorry. Could you ask the question again?

22 Q In the course of this meeting on December 18th, do you recall anyone  
23 proposing that President Trump declare a national security emergency or martial law  
24 because of what happened, I guess, in the 2020 election?

25 A Sure. No. You know, I think that's one of the reasons why the DOD stuff

1 was quick -- you know, not mentioned very much in the meeting, because there was, you  
2 know, among the many other problems, the perception of martial law or the military  
3 getting involved in the election was -- it was sort of explained that if the military seizes  
4 voting machines, it's tantamount to martial law, and if not -- if not de facto martial law.

5 And I think Michael Flynn had said some stuff outside of the White House about  
6 martial law before the meeting and he had been backpedaling from that. So it similarly  
7 in the meeting, like, it was quickly receded from to the extent it was mentioned.

8 Q So do you have a recollection that martial law was discussed in this meeting?

9 A As I said, if the military was discussed in seizing, it would have been in the  
10 context of that would be like martial law. And then people, I think, I have a recollection  
11 of people saying something to the effect of, no, no, no, the military's not seizing, it would  
12 be some other government official, some other government agency.

13 Q Okay. Do you recall President Trump providing an opinion as to DHS, DOD,  
14 or the military otherwise getting involved in seizing and inspecting machines, or was he  
15 just taking it in, what people were saying?

16 A I don't recall him saying anything about the military getting involved, you  
17 know. He asked about DHS -- I believe he asked about DHS in the context of the  
18 executive order.

19 Q What do you recall him asking?

20 A Well, that was the subject of discussion, like if the executive order's  
21 predicates are met and if it authorizes any seizures, like, who would do it, would it be  
22 DHS, that type of thing.

23 Q Okay. So do you recall President Trump asking who could do the seizing  
24 and inspecting? Is that right?

25 A Not -- not -- not exactly. As I said, it would have been in the context of,


1 given the executive order, can DHS do this?

2 Q Okay. So he asked whether, I guess, the people in the room thought that  
3 DHS could seize the machines under the executive order?

4 A So they were advocating that they could. He would then ask us, could  
5 they?

6 Q I see. And to which what did you say or others say in response?

7 A In substance, no.

8  Can I just really quickly, Mr. Lyons, it sounds like there was two  
9 camps really involved in this meeting. And I think you just mentioned that, "They would  
10 say the President could do this and then we would say the President couldn't do this," or  
11 something to that effect. So I just want to understand these camps.

12 Where did General Flynn fall and who were those aligned with his ideas in this  
13 meeting?

1

2 [2:46 p.m.]

3 Mr. Lyons. General Flynn, Patrick Byrne, Sidney Powell, and Emily Newman all  
4 believed that the President had the authority to seize the voting machines.

5 I believe everybody else I mentioned would have fallen on the other side,  
6 although, you know, some people, especially the folks on the phone, did not participate  
7 much.

8 BY [REDACTED]

9 Q But at least as far as who is in the room, it's Ms. Newman, Mr. Byrne,  
10 General Flynn, Ms. Powell in one camp. You, Mr. Cipollone, Mr. Herschmann, and if you  
11 mentioned others, in that other camp. Is that fair? And then the President was sitting  
12 and listening to those two camps kind of discuss these ideas?

13 A Yeah.

14 Q Okay.

15 A I mean, he was talking as well, but, you know, that's the general setting.

16 Q Okay. And who was doing most of the talking?

17 A Um, Michael Flynn, Sidney Powell, Patrick Byrne. Emily didn't talk that  
18 much; Eric Herschmann, then Pat, then me probably, in order of declining participation, I  
19 guess.

20 Q And you mentioned a couple of times that Ms. Powell talked about some of  
21 the evidence of foreign interference in the election and said something to the effect of, I  
22 have it, I'll get it to you.

23 Did the President ask her for the evidence?

24 A I don't know. Probably -- I don't know. Probably.

25 Q Do you remember him doing it in that meeting?

1           A     Um, again, this is -- you know, this is, like, States say they have it.     Maybe  
2     somebody says, What is it?     Then there's a discussion about whether it's any good or it  
3     makes any sense.     And then the conversation goes around.     So, you know, if she said  
4     she had it, he might have asked what it was.     I don't have any specific recollection  
5     of -- my recollection of the meeting is not about specific words or specific speakers.     It's  
6     about the general thrust of it.

7           And so, I can't say that -- I can't say that anybody didn't ask a certain question or  
8     asked a certain question, but, I mean, probably just some specific quotes that I could talk  
9     to, but I don't -- to your question, I guess I can't offer like a fully affirmative answer, but  
10    only my recollection.

11          Q     And we're going to raise some specific things that may have happened to  
12    that point, but at that point, you know, you mentioned the general thrust of it.

13          What is your takeaway?     What was the general thrust of it as you sit here today?

14          A     Um, I guess -- I don't know if it's different from what I've already said, that  
15    there was a group of people that were offering the President a chance to prove the  
16    election had been compromised by foreign actors or otherwise compromised, and then a  
17    group of folks who were arguing that, you know, that no such evidence had been  
18    produced to substantiate those claims, and that any evidence that would be used to  
19    substantiate those claims would need to be extremely good and solid and beyond  
20    reproach, given the seriousness of the Federal Government seizing State election  
21    machinery.

22          Q     And at that point, the people who are saying that the evidence needed to be  
23    good and solid and beyond reproach hadn't seen that?     Is that accurate?

24          A     I feel that's accurate.     I mean, to me --

25          Q     Was the meeting tense?



1 A -- it's accurate, from my perspective.

2 Q I'm sorry. Go ahead.

3 A I'm sorry.

4 Yeah, I mean, speaking for myself, that's how I felt. Given the people who were  
5 aligned with me, I feel like they supported that as well.

6 Q Was the meeting tense?

7 A Oh, yeah. It was not a casual meeting.

8 Q Explain.

9 A I mean, at times there were people shouting at each other, hurling insults at  
10 each other. It wasn't just sort of people sitting around on the couch, like, chitchatting.  
11 It was a group of people trying to make a case to the President of the United States to  
12 seize election machinery, and there was a group of people trying to prevent that from  
13 happening.

14 Q What did the President make of the yelling and hurling insults and  
15 expletives?

16 A It wasn't -- you know, there had been plenty of rough-and-tumble meetings  
17 throughout the course of the administration, and probably throughout the course of his  
18 life. I don't think he made anything of it. That would be my guess.

19 [REDACTED] Thank you.

20 BY [REDACTED]

21 Q Mr. Lyons, in the course of the discussion about seizing and inspecting  
22 machines, do you recall specific States being mentioned?

23 A Yes. So I don't recall if I mentioned this before, you know, when I was  
24 describing the people there, but at some point, Rudy Giuliani joined by phone, and then  
25 later in the evening, he was there in person. Later in the evening when he was there in

1 person, you know, his point of view was that in some way the campaign, I believe, was  
2 going to be able to secure access to voting machines in Georgia through means other  
3 than seizure, that, you know, the access would be -- I don't know what the right word is,  
4 but, you know, voluntary, like it wouldn't be coerced and that, you know, examination of  
5 those machines would, you know, begin to show the evidence of the allegations that  
6 were being made, and that that evidence could then be leveraged to gain additional  
7 access to additional machines -- sorry -- to gain access to additional machines.

8 Georgia was the topic of discussion at that time. Earlier -- so that's partial  
9 answer to your question.

10 Earlier in the evening, I don't know if it was before Rudy joined by phone or I was  
11 on the phone, but it was in the Oval Office, you know, I think there had been discussion of  
12 whatever happened in Michigan in the county that you had mentioned earlier in our  
13 conversation today, in terms of, you know, getting access to those -- to voting machines.

14 However, I think the only State I specifically remember being discussed was  
15 Georgia. The specifics didn't -- sorry. The specifics didn't really add a step with me  
16 because it didn't really matter. There wasn't evidence for any of the 50 States.

17

BY [REDACTED]

18 Q On that point you just mentioned in Michigan, Antrim County, do you  
19 remember a discussion about a then-recent forensic analysis that had been done on  
20 Dominion machines?

21 A I don't have any recollection of the analysis that you're referring to. If  
22 it -- you know, could you be more specific, I guess, I should ask?

23 Q No. I'm just wondering if that ever came up. Did anyone talk about a  
24 recent forensic analysis that had been done on a Dominion machine in Michigan? And,  
25 if not, then --

1 A I don't know. I'm sorry. I don't know.

2 [REDACTED] Okay.

3 BY [REDACTED]

4 Q Earlier you had discussed the idea of, you know, two camps, it seemed like,  
5 in this meeting of those potentially who thought, like, that you could seize and inspect  
6 machines, and another camp who did not believe that could happen.

7 Did you have a sense of where Rudy Giuliani fell in those two camps?

8 A Right. So as I just mentioned, when he showed up at the meeting, his  
9 position was that I believe the campaign was going to secure voluntary access to  
10 machines, and that that would be the way to prove up the compromise of the machines.  
11 So given that was his position, I don't recall him taking necessarily the more aggressive  
12 posture.

13 Q Did he -- do you recall if he explained how the campaign was going to get  
14 voluntary access to machines in Georgia?

15 A I'm sure he said something, you know, to substantiate his claim, but I don't  
16 remember what it was. Yeah, I just remember thinking, you know, why are we even  
17 having this discussion about involuntary access, so to speak, if they're going to get  
18 voluntary access. It seemed like it sort of made the -- sort of obviated any need for any  
19 of this discussion we had been having.

20 Q So you don't recall him saying that it was a more specific litigation or who  
21 would provide access to the machines in Georgia?

22 A No, but I -- no, I don't. I'm sorry.

23 Q Okay.

24 A My impression is that it would have been through some form of litigation.

25 Q In the beginning of our discussion, you mentioned that Matt Morgan was a

1 part of this meeting, or at least at some point over the phone.

2 Do you remember anything that Mr. Morgan said during the meeting?

3 A I remember there was a defense of the campaign's litigation and legal  
4 strategy, you know, which also came under attack during the course of the meeting, you  
5 know. It was a general theme in the meeting that, you know, the President's staff, you  
6 know, the Department of Justice, were not sufficiently interested in knowing the cause of  
7 truth, and that his campaign also had failed him, had failed to protect his rights as a  
8 candidate to ensure a fair -- free and fair election in the presidential race.

9 So the campaign, the staff, the Department of Justice were much maligned during  
10 the course of this meeting by the four, and so, Matt, I believe, offered a defense of the  
11 campaign's work to that date on the legal front.

12 Q Do you recall a change in leadership at DOJ or the FBI being mentioned  
13 during this meeting?

14 A Not specifically, no.

15 Q How about any other agency or department? Do you recall anyone  
16 suggesting any change?

17 A I don't recall any such discussion.

18 Q I know you mentioned you recall that Mr. Meadows mentioned at some  
19 point in the meeting over the phone that he had talked to Mr. Cuccinelli.

20 Do you remember Mr. Meadows saying anything else during the course of this  
21 meeting on December 18th?

22 A Oh, I mean, he started out on the phone, and then he came and he was  
23 there in person. I don't have specific -- you know, I don't have chapter and verse of  
24 what he said, but he was there for good chunks of it, and I'm sure he spoke more than  
25 that little bit there.

1           Q    Okay.  So one of the other things that's been reported that was said during  
2           this meeting was that President Trump told White House lawyers, Mr. Herschmann,  
3           Mr. Cipollone, that they weren't offering him any solutions but Ms. Powell and others  
4           were, so why not try what Ms. Powell and others were proposing.

5           Do you remember anything along those lines being said by President Trump?

6           A    I do.  That sounds right.

7           Q    Okay.  Do you remember in the context -- in what context that came up,  
8           whether it was in the context of the discussion of seizing machines, or maybe another  
9           proposal that Ms. Powell and others had?

10          A    To the best of my recollection, it came up towards the end of what I believe  
11          was a meeting that lasted somewhere between 4 and 6 hours when all is said and done,  
12          that ran around in circles more than our conversation here has done about the meeting.  
13          And, you know, at the end of the day, we landed where we started the meeting, at least  
14          from a structural standpoint, which was Sidney Powell was fighting, Mike Flynn was  
15          fighting.  They were looking for avenues that would enable -- that would result in  
16          President Trump remaining President Trump for a second term.  And there were me and  
17          Eric and Pat and Mark that were saying that these ideas were not very good and would  
18          only cause more problems, wouldn't solve any of the -- would not solve the issue of being  
19          defeated in the election, and would cause more problems in ways both predictable and  
20          unpredictable.

21          Q    Do you remember anyone during the meeting discussing the possibility of  
22          rerunning the 2020 election?

23          A    Yeah, that sounds right.  As I mentioned, I think, hours ago in our  
24          discussion, you know, one remedy in election cases is a possible, you know, new election.  
25          I don't think it's a remedy that's offered very much.  I'm not sure.  I don't know.  Like I

1       said, I'm not an election lawyer, so maybe it's never happened, but I think it's a  
2       theoretical remedy.

3               And so, I think that was -- does that sound like something that was mentioned  
4       that, you know, again, if you could cobble together enough credible allegations of fraud,  
5       improprieties, et cetera, that, you know, through some mechanism, there would be, you  
6       know, maybe even just public outcry, a new election.

7               Q     Was the discussion of potentially rerunning the election mentioned not  
8       specifically as a remedy to litigation, but just some other way, as you mentioned, through  
9       public outcry?

10              A     I'm not sure anybody really talked too much about the precise mechanism,  
11       just that, you know, if you could establish that the election was tainted and a bad  
12       election -- nobody wants an illegitimate President, so if you have an election that's not  
13       legitimate, somehow you would want to fix that.

14              Q     Do you recall Ms. Powell potentially being appointed as a special prosecutor  
15       or a special counsel being discussed in the meeting?

16              A     I do.

17              Q     What do you remember about that discussion?

18              A     I remember that it was discussed, that it was raised by, perhaps, Ms. Powell  
19       herself, although I'm not sure.   Um, I don't know.   I'm happy to answer specific  
20       questions about it.

21              Q     Okay.   So it's been reported that during that discussion about potentially  
22       appointing Ms. Powell as either a special counsel or a special prosecutor, President Trump  
23       told Mr. Meadows to prepare the forms that would relate to such an appointment.

24              Do you remember that?

25              A     I remember something like that.

1 Q Okay. Do you recall that being towards the end of the discussion about her  
2 potential appointment?

3 A I mean, her potential appointment was discussed at several junctures in the  
4 meeting. I don't know when -- when something like that was said, but it feels like I have  
5 a recollection that something like that was said.

6 Q Do you recall if anyone brought forms --

7 A No.

8 Q -- relating to the potential appointment?

9 A No.

10 Q Okay. So it did not get to that point?

11 A I mean, no such forms exist, to my knowledge. You know, there's no form  
12 to appoint somebody special counsel from the White House, to my knowledge. To  
13 become a White House employee, you have to fill out an SF-86 to be eligible to receive  
14 classified information. That form was discussed. I don't believe anybody brought an  
15 SF-86 into the office, to my knowledge.

16 Q So is it your understanding the SF-86, that's what was mentioned, as getting  
17 that form to Ms. Powell during this meeting?

18 A An SF-86 was discussed. When the President, to the extent he said, Bring  
19 the forms, I don't think he said Bring the SF-86.

20 Q Okay. He just said, Bring the forms, but it was probably understood that it  
21 was SF-86?

22 A I don't agree with that -- sorry. I don't agree with that characterization. I  
23 mean, I don't want to be too technical here. I'm not sure it's all that important to your  
24 question, so I'm trying to answer it accurately.

25 To my knowledge, I don't think the President was referencing any particular form

1       when he said -- if he said, Bring the forms. I think he was just sort of saying, you know, I  
2       would like to make Sidney special counsel and, like, do what needs to be done to make  
3       that happen.

4               Q     Okay.

5               A     That being said, other people, specifically, I believe, maybe Patrick Byrne and  
6       Mark Meadows, talked about the security clearance forms, which I understood to be the  
7       SF-86. I don't believe anybody used the term SF-86.

8               Q     It's been reported that you said during the meeting that at least President  
9       Trump couldn't appoint Ms. Powell as special counsel because that was an Attorney  
10      General appointment. Is that accurate?

11              A     Yeah. So what I said, or what I recall saying at least -- and, again, this is not  
12      verbatim, but I recall offering my belief and understanding that, you know, at the  
13      Department of Justice, there are things called -- there are positions called special counsel  
14      positions, or a special counsel position, and that the special counsel is appointed by the  
15      Attorney General under DOJ regulations promulgated pursuant to some statute that, you  
16      know, I couldn't quote you chapter and verse.

17              I wasn't aware -- and I said this at the time, that I'm not aware of any statutory  
18      authority for the President to make that appointment without involvement of the  
19      Attorney General, or even to direct the Attorney General to make such an appointment.

20              So there was discussion of if there's going to be a special counsel at the  
21      Department of Justice, it would have to be done by the Attorney General, at which point  
22      the conversation shifted to, Well, does it have to be at the Department of Justice?  
23      Sidney Powell could be special counsel at the White House.

24              At that point, the conversation turned to, Well, okay, people can be appointed to  
25      be White House staff. You can give them, I think, any title you want. Czar has been



1       used historically, director, counsel, counselor, whatever.    So special counsel I don't think  
2       is, you know, precluded by anything, but that any person appointed or named as a special  
3       counsel at the White House would have to be eligible to work at the White House, which  
4       means you have to at least be eligible for security clearance, even if you don't receive  
5       one, is my understanding, and that, you know, anybody given the title of special counsel  
6       at the White House wouldn't have any law enforcement authority, specifically subpoena  
7       authority.

8               Q     Just to step back, do you recall why -- whether anyone ever said during that  
9       meeting why Ms. Powell should be appointed as special counsel?

10              A     To investigate election irregularities and potential fraud.

11              Q     Was there something -- was it mentioned why Ms. Powell needed to be a  
12       government employee to do that?

13              A     Well, special counsels at the Department of Justice have subpoena authority,  
14       so they can issue subpoenas for documents, testimony, and physical items that are, in  
15       theory, enforceable.

16              Q     Did Ms. Powell or anyone else mention who they wanted to subpoena, or  
17       what they wanted to look at?

18              A     Probably a bunch of things, given the tenor of the rest of the conversation,  
19       election voting machines might have -- you know, were probably discussed.    I'm not  
20       trying to sort of be evasive about that.    I just -- there was just so much discussion about  
21       the voting machines.    I couldn't tell you for certain whether some of it fell in the context  
22       of the special counsel discussion.    My instincts tell me it did, but I don't know.

23              Q     Do you know whether Ms. Powell ever was appointed as special counsel or  
24       became a White House employee after this meeting?

25              A     To my knowledge, she never was.

1 Q Do you know why that is?

2 A I can only speculate.

3 Q So we've heard from others that White House counsel threatened to resign if  
4 Ms. Powell was appointed as special counsel.

5 Do you recall ever hearing anything along those lines, or, perhaps, witnessing it  
6 during the meeting?

7 A Threatened to resign to who?

8 Q To President Trump.

9 A I never heard the White House counsel threaten to resign to President  
10 Trump.

11 Q Did you hear them discuss -- White House counsel discuss with others about  
12 potentially resigning if Ms. Powell was appointed as special counsel or became a White  
13 House employee?

14 A I knew that the White House counsel was opposed to it and was willing to  
15 consider a variety of options if that happened --

16 Q So what --

17 A -- including --

18 Q Okay. I apologize for cutting you off.

19 What specifically do you recall about what White House counsel expressed as to  
20 what they thought about Ms. Powell's potential appointment?

21 A Again, like I said, I remember him being adamantly opposed to it, and that  
22 were it to happen, which he didn't believe it would happen, he would have to consider  
23 potential options as a result, up to possibly -- including up to possibly resigning in  
24 response.

25 Q And who was this who expressed this?

1           A    The White House counsel.

2           Q    Mr. Cipollone?

3           A    That's correct.

4           Q    And was this expressed -- where was this expressed?   Was it just with you?

5           Was anyone else there?

6           A    After the meeting broke, at whatever time it broke, I went with Pat and  
7           Mark to Pat's office.   We debriefed a little bit.   I expressed ongoing concerns with  
8           Sidney Powell being appointed as special counsel in any capacity.   I knew it would not  
9           happen in the Department of Justice, but I expressed concern about it happening at the  
10          White House.

11          I was on my way out.   This was beyond my last day at this point.   And, you  
12          know, both of them assured me -- and I knew they were right -- that it wouldn't happen,  
13          but if it did, there would be probably additional consequences.

14          I want to make -- I do want to clarify.   As we left the meeting, nobody really  
15          believed that Sidney Powell was going to be appointed as any type of special counsel  
16          after December 18th.   It just was the type of thing that would not happen.

17          Q    And can you just explain that to me?   Because, you know, in the course of  
18          the meeting, you know, voting machines being seized -- or it's potentially discussed,  
19          potentially rerunning the election.   So what was it about your understanding Ms. Powell  
20          being appointed that seemed like it would not happen?

21          A    I just -- with the experience of 4 years in the administration, you know,  
22          having watched the President and the way that he explores ideas, I just knew that calmer  
23          heads would prevail.

24          Q    And the calmer heads at this point being Mr. Cipollone and Mr. Meadows?

25          A    Yeah.   I mean, ultimately, the President as well, you know, if he had

1 ordered it to happen, for Sidney to be appointed special counsel, you know, within his  
2 authority, so I think it would have happened. But, you know, he didn't, and I didn't think  
3 he would insist on it over the objections, the -- this is a better way to put it. I didn't  
4 think it was going to happen over the unified objections of many high-ranking staff  
5 members. It's just not the type of thing that happened. It's just not the type of thing  
6 that happened.

7 Q But in the -- during --

8 A Sorry. Can we take a quick break? I'm sorry. I don't know.

9 [REDACTED] No problem.

10 Let's go off the record.

11 [Discussion off the record.]

12 [REDACTED] Let's go back on the record.

13 [REDACTED] Okay. We're back on the record.

14 It's 3:19.

15 Mr. Lyons. Yeah. And so, I believe I was, you know, saying why I didn't believe  
16 Sidney would ultimately be appointed. And, again, as I said, it's not the type of thing  
17 that really happened over unified objection of White House staff. I think at the time, Bill  
18 Barr was still the Attorney General. I mean, he would been -- had some play.

19 But in addition, as I mentioned before, you know, when Rudy had come to the  
20 meeting, he was offering, you know, an entirely different sort of path, however he was  
21 going to get this access to the voting machines, and I think that that felt like ultimately  
22 among the reasons why, you know, no voting machines were going to be seized, why  
23 Sidney Powell wasn't going to be appointed to anything, and why, ultimately, this  
24 meeting was just a lot of circles and a lot of arguments that sort of resulted in exhaustion  
25 and not much more.

1

BY [REDACTED]

2

Q So I understand that you didn't -- you and potentially others did not believe

3

that Ms. Powell would be appointed special counsel as a result of this meeting, but did

4

President Trump ever rule out that possibility, at least vocally, during the meeting?

5

A Well, as I said, after the meeting when we debriefed, you know, my primary

6

concern to Pat and Mark was that she not be appointed. So it must have been

7

somewhat of an open question as we left the meeting in terms of, you know, at least the

8

definitiveness of the no.

9

So my recollection and my belief that it wasn't going to happen was that it just

10

wasn't the type of thing that happened, and it didn't happen.

11

BY [REDACTED]

12

Q Mr. Lyons, one of the things you just mentioned is that, you know, because

13

Rudy had this other option, that might have been one of the reasons that Sidney -- or you

14

knew Sidney wouldn't be appointed. Is that accurate? I don't want to put words in

15

your mouth.

16

A Yeah. I mean, among other -- among the reasons I said, that that also

17

probably also played a role that, you know, a more moderate path had been set on the

18

table.

19

Q Okay.

20

A And I don't know that that path was ever taken either, but at least, you

21

know, in terms of diffusing the meeting, you know, a different option had been set on the

22

table.

23

Q Okay. And so the option, just to be clear, is that Rudy thought he had a

24

voluntary way, or another way to get into the Dominion voting machines for analysis. Is

25

that correct?

1           A    I think -- I just rely on my former answer to the question, I think, because I  
2   don't want to -- I don't know what exact words you used there, so I don't want to --

3           Q    Sure.

4           A    But I'll just refer back to my earlier testimony on that point if I could.  
5   Thanks.

6           Q    Yeah.   That's perfectly fine.

7                Was there anything else that Rudy -- or Mr. Giuliani was talking about during that  
8   meeting, as far as other options to take contesting the election or keeping the President  
9   in power?

10          A    Rudy was very focused at that meeting on sort of litigation strategy of some  
11   variety, you know, legal strategies, courtroom strategies.   That's all I remember.

12          Q    Did he discuss State legislatures in that meeting at all?

13          A    I don't think so.

14          Q    Did January 6th come up at all during the meeting?   And to be clear, the  
15   meeting being in the Oval Office, and then when it continued, throughout the night into  
16   the evening and early morning hours in the residence as well?

17          A    I don't have any recollection of January 6th being discussed.

18          Q    And when the meeting went up to the residence, what happened?   Was it  
19   more of the same, or how would you describe what happened in the residence?

20          A    It was more of the same.

21          Q    I understand that General Flynn, Ms. Powell, Mr. Byrne, and Ms. Newman  
22   also were in the residence.   Is that accurate?

23          A    Yeah.   In the residence I remember those four, myself, Mr. Cipollone, Mr.  
24   Herschmann, Mr. Meadows.   I think that's a comprehensive list -- oh, and Rudy Giuliani,  
25   and no phone -- no participants by phone.

1 Q Are there any topics or discussions that happened in the residence that  
2 didn't also happen in the Oval Office that we've already covered?

3 A I mean, I don't really think it's relevant here to include, but at one point, just  
4 in the sake of giving you my complete recollection, you know, Mr. Flynn accused Mark  
5 Meadows of not being sufficiently supportive of the President. Mr. Meadows said that  
6 he had fought for Mr. Flynn through, you know, his legal problems, and that, you know,  
7 he didn't appreciate Mr. Flynn attacking him in that manner.

8 Q How about other strategies, I guess, to keep President Trump, as I think you  
9 said, as President Trump for a second term?

10 A It was really the voting issue -- it was really, you know, the voting machines  
11 issue and, you know, the appointment of Sidney Powell as special counsel to, you know,  
12 investigate the election, which struck me as interesting because she, of course, was  
13 claiming that she already had all the evidence she needed to, you know, support her  
14 theories, so it wasn't clear to me why she would also need to be special counsel to  
15 continue that investigation.

16 Q All right. And earlier you mentioned that you didn't think President Trump  
17 would take the action of appointing Ms. Powell as special prosecutor over the unified  
18 objections of high-level White House staff. Were those unified objections actually  
19 presented to the President, that you're aware of?

20 A Oh, yeah. Me, Mark Meadows, Pat Cipollone, Eric Herschmann.

21 Q Okay. During that meeting?

22 A During that meeting.

23 Q Were they also present --

24 A At least during that meeting. I can't speak to what happened after that  
25 meeting. I wasn't there.

1 Q Yeah, that was your last day, so, of course.

2 And were they also represented during the residence portion of the meeting,  
3 meaning the unified objections?

4 A Yes.

5 Q How did the meeting end?

6 A You know, I don't know -- well, I don't recall exactly. But, you know, I think  
7 the right way to describe it is that it just eventually ran out of steam. There wasn't really  
8 anything left to be said, and we -- "we" being me, Eric, Pat, and Mark -- and, by the way,  
9 let me add, when I did the -- when we did the debriefing part that I mentioned earlier, I  
10 think it was the four -- maybe Herschmann as well, so I think I left him out, which I  
11 apologize for; but just to correct that.

12 But, anyway, the four of us -- Mark might have stayed behind. It might have  
13 been the three of us, Eric, me, and Pat, who left first, and somebody -- not me -- either  
14 Eric or Pat said something to the effect of, You have our recommendations and sort of,  
15 you know, taking our leave, which would have left the four in the room, and maybe Mark  
16 as well for a brief time, and then Mark came maybe to Pat's office after that.

17 Q When you say, You have our recommendations or somebody said that in the  
18 meeting, the "you" have our recommendations being the President?

19 A Yeah. I wouldn't have cared about the other four.

20 Q Fair enough.

21 So the other four stayed after you and Mr. Cipollone and Mr. Herschmann left the  
22 residence?

23 A That's my recollection.

24 Q Do you remember if they stayed beyond Mr. Meadows leaving that  
25 residence meeting?



1 A I don't know.

2

BY [REDACTED]

3 Q Do you recall about what time the portion with President Trump ended of  
4 the meeting?

5 A No. Early in the morning.

6

[REDACTED] Okay.

7

BY [REDACTED]

8 Q And I understand that you and Mr. Cipollone and Mr. Herschmann, or some  
9 collection thereof --

10 A Let me. Sorry. Can I correct? I mean, it could have been before  
11 midnight, but --

12

BY [REDACTED]

13 Q It was very late?

14 A Very late or very early, somewhere in that general timeframe.

15

[REDACTED] Thank you.

16

BY [REDACTED]

17 Q And I understand that the White House side of this meeting, meaning you,  
18 Mr. Cipollone, Mr. Herschmann, or some combination thereof, went up to the residence  
19 and kind of followed Mr. Giuliani and General Flynn and others. Is that right?

20 Did you find out about the residence portion of the meeting after it had already  
21 begun?

22 A No, that's not right.

23 Q Why did it move to the residence and why did you go there?

24 A We had been in the Oval Office for some amount of time. I think the  
25 President was tired of being in the office and he wanted to depart and go home. I

1 believe also Rudy was on the phone, and he said, I'll -- you know, I will come -- I'll come  
2 now, I'll be there, you know, I'm coming. And so that provided a break opportunity to  
3 say, Okay, let's break. The President is going to go home, Rudy will come, and then, you  
4 know, like, the meeting will reconvene.

5 There may have been sort of some hope that the meeting would holiday convene  
6 (ph). You know, sometimes that happens when things lose steam, especially when they  
7 don't appear to be going anywhere and you're just talking about the same thing over and  
8 over again. But the meeting did reconvene, as you know. I don't know sort of how,  
9 like, you know, we -- that we learned that the meeting was actually reconvening. I  
10 mean, most likely it was a phone call from somebody, could have been the White House  
11 operator, could have been Mark Meadows, could have been -- those are basically the  
12 likely candidates, to which point we went to the residence. And I guess the part of the  
13 piece that you had accurately is that we arrived second.

14 But I don't -- but I think the impression that there was a meeting happening that  
15 we didn't know about, that we -- like, it was just a reconvening and we got there second.

16 Q Understood. No. That's great. Thank you for that clarification.

17 So, [REDACTED] if we could quickly pull up exhibit number 9.

18 What I'm going to show you is what we understand to be draft executive orders  
19 that are based in part on the executive order you were talking about earlier about foreign  
20 interference in the election.

21 This is dated December 16th, and it's titled "Presidential Findings to Preserve,  
22 Collect and Analyze National Security Information Regarding the 2020 General Election."

23 And then on pages 2 and 3, the bottom of 2 and top of 3, it talks about giving the  
24 authority to the Secretary of Defense to seize, collect, retain and analyze machines,  
25 equipment, and information related to the election.

1           And if we go to exhibit number 10, it's a very similar looking document. This one  
2 is dated December 17th, so the next day. This one is titled "Presidential Findings to  
3 Seize, Collect, Preserve and Analyze National Security Information Regarding the 2020  
4 Election." But instead of authorizing the Secretary of Defense to do something, this  
5 authorizes the Secretary of Homeland Security to seize information hardware related to  
6 the election.

7           Do you remember ever seeing these documents?

8           A    They look like documents I saw attached to a Politico article from a few  
9 months ago, or a few weeks ago. I'm not sure. But I don't recall seeing them during  
10 my time at the White House.

11          Q    Okay. Do you remember anybody during that December 18th meeting  
12 talking about drafting executive orders to go seize voting machines?

13          A    You know, I don't have any specific recollection of drafting an order to do it,  
14 but, you know, they certainly wanted an order to be done. Orders are often delivered  
15 through executive order, so it might have come up. I don't believe these were -- well, I  
16 don't know if these were presented in that meeting. I don't have any recollection of  
17 them being presented in that meeting.

18          Q    Okay.

19          A    But it's possible. As I mentioned before, there was paperwork.

20          Q    There was paperwork. And did any of the paperwork -- did -- excuse me.  
21 Let me start over.

22               Did General Flynn or Ms. Powell or Mr. Giuliani, or any of the others in that sort of  
23 camp that we had discussed, ask the President to sign anything in particular that would  
24 authorize them to seize voting machines?

25          A    Not to my recollection in terms of sort of at that meeting, or necessarily

1 afterwards. You know, if what you're asking is did anybody put any paper in front of  
2 him and ask them to sign it then and there, my recollection is no. If the question is, you  
3 know, Did anybody want him to eventually sign something, I couldn't give as firm of an  
4 answer. I don't know what form they wanted him to deliver the directive in.

5 Q Okay.

6 A But it could have been discussed as an executive order.

7 Q All right. If we could pull up exhibit number 12, please.

8 So shortly after that meeting ended on December 18th, or early in the morning on  
9 the 19th, the President put out a tweet, and this tweet was released at 1:42 a.m. on  
10 December the 19th. It says: "Peter Navarro releases 36-page report alleging election  
11 fraud more than sufficient to swing victory to Trump. A great report by Peter.  
12 Statistically impossible to have lost the 2020 election."

13 And then he says, "Big protest in D.C. on January 6th. Be there, will be wild."

14 Did anything in the December 18th meeting relate to this tweet as you see it now?  
15 Let me say that, I guess, differently.

16 Did anything happen during the December 18th meeting that would result in the  
17 President sending out a message like this talking about a protest in D.C. on January the  
18 6th?

19 A Not to my recollection. And, you know, I'll add that when I woke up the  
20 next day and I saw this tweet, I recall being surprised by all of its content. I did not know  
21 Peter had written a report, and I did not know, to the best of my recollection, that the  
22 President knew there was going to be a rally -- or sorry -- an event on January 6th, protest  
23 as he calls it.

24 Q So there's no connection that you're aware of between this tweet and the  
25 meeting from just hours -- or that had ended just hours before?

1           A    None that I'm aware of or that I can recall.

2           Q    And I believe the next morning, if I'm not mistaken, Mr. Giuliani went onto a  
3   podcast and said something to the effect of that he had to change strategy after meetings  
4   at the White House.

5           Do you have any idea what he meant when he said that, based on your experience  
6   in the meeting on December 18th?

7           A    I don't know. I don't recall hearing that or, if I did, paying much attention  
8   to it. But, you know, it seemed -- it would strike me as relating to perhaps this plan that  
9   he had to get ahold of voting machines through some voluntary or judicial process.

10          Q    All right. I think you mentioned earlier that that seemed to be the focus,  
11   Mr. Giuliani's focus during that meeting, or at least parts of that meeting. Is that right?

12          A    Yeah, that's the thing I remember him focusing on.

13          Q    Do you remember Mr. Giuliani talking about any other strategy during the  
14   meeting, other than getting voting machines?

15          A    I don't.

16          Q    Bear with me just one moment, Mr. Lyons.

17          A    Sure.

18          Q    So the last thing I want to talk to you about, Mr. Lyons, today is that we  
19   understand that in mid-November there was a memo that had been drafted, unclear  
20   origin, by whom, or whether it was official, at least so far as I know; but there was a  
21   memo that was drafted to withdraw from Somalia and Afghanistan.

22          Do you know anything about a memo being drafted in the White House that  
23   would have crossed your desk as staff secretary related to withdrawing troops from  
24   Somalia and Afghanistan?

25          A    I don't have any recollection of a memo of that type crossing my desk.

1 Q Would a memo to withdraw troops --

2 Ms. Van Gelder. Hold on. Is this something that -- we had alerted him that he  
3 could talk to you about anything but national security. So I don't want to get us in  
4 trouble here with my President who said we could talk.

5 [REDACTED] Yep. No, of course. This is -- my understanding -- and perhaps  
6 we could just quickly go off the record on this. So we're off the record.

7 [Discussion off the record.]

8 [REDACTED] We're back on the record.

9 It's 3:39.

10 BY [REDACTED]

11 Q So, Mr. Lyons, the memo I was just mentioning was dated around November  
12 the 11th. Is a memo like that that was an official memo, is that something that would  
13 typically cross the staff secretary's desk for approval by the President?

14 A Typically, yes.

15 Q Okay. And just to be clear, do you recall getting a memo in mid-November  
16 about withdrawing troops or anybody -- government presence from Somalia and  
17 Afghanistan?

18 A No.

19 Q Did you ever become aware of a memo that had been drafted potentially  
20 outside of ordinary channels that said the U.S. would be withdrawing from Afghanistan  
21 and Somalia?

22 A Yes.

23 Q Can you tell us about that?

24 A Well, I've read recent -- I don't know when; sometime in the last year, that  
25 such a memo was drafted, signed, sent to the Department of Defense, that it spurred up

1 some meetings at the White House in response.

2 Q Do you remember -- when you were in the White House as staff secretary,  
3 do you remember hearing about this memo, other than what you have read in public  
4 reporting since then?

5 A Not specifically really. You know, I knew that there were folks, like,  
6 pursuing their policy agendas sort of outside the White -- I had come to understand that  
7 there were people pursuing their policy agendas outside the normal process. I didn't -- I  
8 didn't -- I don't think I knew until after I left that any memo had been sent, or any  
9 meeting had been ginned up by it.

10 Q Do you know if Mr. McEntee had any role in drafting this memo?

11 A That's my understanding, but I -- you know, he never admitted anything like  
12 that to me, and so I couldn't say for certain, but that's what I heard.

13 Q Who did you hear that from?

14 A I couldn't really say. I know I read it in press reports. I don't know who  
15 else I heard it from.

16 Q But do you remember hearing about something at the time, outside of press  
17 reports, that maybe Mr. McEntee had a role in drafting this memo?

18 A I can't say when I heard it. Probably before it was reported as, you know,  
19 White House chatter is the best I can say.

20 Q If I'm not mistaken, which I sincerely hope I'm not, I understand that there  
21 was at least a signature that purported to be the President's on it.

22 Do you know if it was signed by an auto pen, sometimes referred to as an iron  
23 hand, but that the President didn't actually sign this memo?

24 A I never saw it. If it had been signed by an auto pen, it would have been  
25 surprising because very few people had authority to authorize the auto pen.

1           Q    But you don't know whether that happened or not, just to be clear for the  
2 record?

3           A    No.

4           Q    Did you ever see --

5           A    I've never seen the document, to the best of my knowledge.

6           [REDACTED]   You anticipated my last question then.   Very good.   Well, I  
7 appreciate it.

8           I think at this point I understand and very much appreciate your time limitations.

9           So we can go off the record.

10          [Discussion off the record.]

11          [Whereupon, at 3:45 p.m., the interview recessed, subject to the call of the chair.]



1                                      Certificate of Deponent/Interviewee

2

3

4            I have read the foregoing \_\_\_\_ pages, which contain the correct transcript of the  
5 answers made by me to the questions therein recorded.

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\_\_\_\_\_  
Witness Name

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\_\_\_\_\_  
Date

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